Captain Kidd

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Baron Hatsell

By permission of the Masters of the Bench of the Middle Temple

Trial of

CAPTAIN KIDD

EDITED BY

Graham Brooks

BARRISTER-AT-LAW

EDINBURGH AND LONDON

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PREFACE.

I HAVE to thank the Under-Treasurer of the Middle Temple for his kindness in giving me the print of Lord Somers and for allowing a photograph to be taken of the portrait of Baron Hatsell which hangs in the Middle Temple Common Room, and the Under-Treasurer of Gray's Inn for allowing a photograph to be taken of the portrait of Mr. Justice Turton which hangs in Gray's Inn Hall. To both those gentlemen I am also indebted for permission to reproduce these three illustrations in this volume.

GRAHAM BROOKS.

TEMPLE,
LONDON, E.C., *September*, 1930.

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CAPTAIN KIDD.

INTRODUCTION.

I.

William Kidd, the Man.

The name of Captain Kidd has been saddled with a degree of infamy far in excess of that wretched man's deserts. The Kidd of history is but a shadow of the Kidd of legend. True, in middle age, after a successful career of meritorious service, with ample means for a life of respectable retirement, he yet stooped to play the buccaneer; but, at worst, he was a mere milk-and-water amateur, for, in an age when pirates massacred or enslaved their hapless victims, sacked and burnt the towns on which they descended for provisions, Kidd had but one murder and one arson to his discredit. His is no romantic story, but the sordid tale of a weak man who succumbed without a struggle when temptation faced him. Yet, whilst the names of such as Morgan, Avery, and Lolonais are scarce remembered, that of Captain Kidd remains a nursery byword. Such are tradition's vagaries!

If Kidd has suffered at the hands of tradition, he has certainly been too leniently treated by his biographers. Sir Cornelius Dalton[1] has even gone so far as to depict the pirate as an innocent man of integrity and courage who was the victim of a deliberate travesty of justice. Even the Dictionary of National Biography declares that Kidd did not have a fair trial, but was convicted on insufficient evidence. This is an ambiguous statement, for there were four distinct trials, one for murder and three for piracy. As a fact, there was ample evidence in each case upon which the jury could find the prisoner guilty; there was no irregularity in procedure; at each trial the judge summed up with scrupulous fairness on the facts before him; and

[1] In "The Real Captain Kidd" (1911).

it is abundantly clear that Kidd was guilty of all the charges preferred against him. It is true that certain aspects of the case do not commend themselves to the modern conscience, but, as will be discussed in later pages, it is clear that they did not result in any miscarriage of justice.

William Kidd was a man of some education. He could write a good letter—no mean achievement in those days. Tradition alleges that his father was a Calvinist minister, who suffered torture by the boot for his faith after the Restoration and died in 1679, but of this there is no proof. Kidd himself was born about the year 1645 at Greenock, then a mere fishing village which ten years previously had secured its Charter as a Burgh of Barony from Charles I. Amongst the fishing craft there crept up the Clyde occasionally the tall masts of merchantmen. The clank of windlass and capstan, the rhythmic throbbing of the sea-shanties, the creak of sail and anchor, the glint of sun on cutlass, and the Babel of foreign tongues—all these brought the tang of the sea to Greenock. Small wonder, then, that young Kidd felt the call and went afloat whilst still a boy.

Of his early career nothing is known. That it was creditable is clear, for on next hearing of Kidd we find him fighting for his country in command of a ship in American waters; that it was successful also may be inferred from the fact that he was then possessed of several trading vessels and considerable property in New York, where he had a wife and children, and where also he was highly respected. War had broken out between England and France immediately after the assumption of the Crown by William of Orange. French privateers were cruising in American waters, and the colonists were ill-protected by English frigates. Kidd at once "brought his ship from a place that belonged to the Dutch, and brought her into the King's service."[2] He was thereupon sent by General Codrington to serve under the orders of Colonel Hewson, with whom he fought in two engagements against the French, and afterwards saw further active service in the West Indies. His conduct in action was highly creditable.[3]

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[2] See the evidence of Thomas Cooper at Kidd's third trial.

[3] *Ibid.* Also the evidence of Colonel Hewson. Also the evidence of Captain Humphreys and Captain Bond at the second trial.

Kidd also rendered other good services to William III. The Revolution had had its repercussions in the American colonies; New York, in particular, had been the scene of much unrest and strife, culminating in the armed insurrection of Leisler and Milborne.[4] On the arrival of Colonel Henry Sloughter, as the new Governor appointed by the King, it was thought right that Kidd should be accorded some official recognition of his services in the cause of law and order during the period of unrest.

On 18th April, 1691, the following resolution was passed by the Provincial Council of New York:—

By His Excellency and Council.

Gabriel Monvile Esq and Thomas Willet Esq are appointed to attend the House of Representatives and acquaint them of the many good services done to this Province by Captain William Kidd in his attending here with his vessels before His Excellency's arrival and that it would be acceptable to His Excellency and the Board that they consider of some suitable reward to him for his good services.

Accordingly on the following 14th May the House of Representatives resolved "that His Excellency be addressed unto, to order the Receiver-General to pay to Captain William Kidd One Hundred and Fifty Pounds current money of this Province as a suitable reward for the many good services done to this Province." By this time Kidd's reputation for courage and seamanship had spread beyond the confines of his home province, for later in the year the Government of the neighbouring colony of Massachusetts commissioned him to chase an enemy privateer off the coast.

Such, then, was the man who, in 1695, brought one of his own trading sloops to anchor in the Thames; a typical sea captain of the age, owner of several vessels, possessed of sufficient property and means to end his days in comfort with his family in the colony where he was respected and admired. That is the William Kidd of 1695. When next

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[4] Jacob Leisler, a German colonist, and his son-in-law, James Milborne, pretending greater loyalty to the new regime, had seized Fort James, and had fired upon the troops of Major Ingoldsby, who had come to demand possession of the fort in the King's name. Leisler then set himself up as temporary Governor. On Sloughter's arrival, both Leisler and Milborne were convicted of treason, and executed on 16th May, 1691.

he set sail from England it was upon the voyage which was to bring him lasting infamy.

To appreciate fully the causes of Kidd's subsequent downfall it is necessary to make a brief survey of the state of piracy at the close of the seventeenth century, and in particular to consider the state of public opinion with regard to it in England and the colonies.

II.

Piracy at the Close of the Seventeenth Century.

Right up to the Napoleonic period wars were inevitably followed by a general aftermath of piracy, partly owing to the consequent inability of the warring nations to spare vessels for police purposes, and partly on account of the taste for freebooting acquired by those who had served as privateersmen during the period of hostilities. The last few years of the seventeenth century witnessed a violent recrudescence of piracy following the sequence of wars in which the three great naval powers of the period—England, France, and Holland—had been engaged.

To the Government in London this piratic outburst proved an embarrassing and difficult problem; for, whilst the King's subjects with interests in the East were clamouring for its suppression, it was his subjects in America who were chiefly responsible for its inception and continuance. The American colonies were, indeed, the great breeding-ground of buccaneers. The reason is not hard to fathom. Pirates, like other thieves, can thrive at their trade only when there is a convenient market for the disposal of their ill-gotten goods. The short-sighted policy of Great Britain in insisting that her colonists should trade exclusively with her—forcing them to buy at the high prices inevitably resulting from such a policy—had made those colonists only too willing to purchase goods cheap from the smuggler or the pirate without asking awkward questions. There was thus a ready-made market that acted like a magnet to the pirates; whilst, as a corollary, there evolved among the

American colonists an attitude, not only of toleration, but actually of welcome towards these illicit merchants of cheaper goods—so much so, that openly-avowed pirates became a recognised and popular element of society in Massachusetts and New York. Moreover, in the American colonies there was no judicial machinery for trying pirates, who therefore found there not only a ready market but also a safe and pleasant home between voyages.

Yet another reason for the popularity of piracy in these colonies was the propinquity of the West Indies. It is not hard to understand why the West Indian archipelago had become one of the two most profitable hunting-grounds of the pirates; first, it provided so many uninhabited islands and keys,[5] abounding with provisions, as lurking-places, from which the waiting robbers could watch and pounce upon the unsuspecting merchant vessels; secondly, it lay right on the trade route used by the French, Spanish, Dutch, and English ships across the Atlantic; thirdly, its very nature made pursuit and capture by men-of-war difficult, for the islands abounded in inlets and harbours into which the ships could slip unseen. Here it was, then, that these American pirates found their prey, using the colonies for both market and home between voyages. As time wore on, these men, enriched by the proceeds of their nefarious practices, ventured further afield to that other happy hunting-ground, the richer one in the East Indies, where they could seize and plunder the ships of wealthy Moors trading in the East.[6]

It must be remembered that at this time Moslems were still universally regarded as the hereditary enemies of Europe. When Darby Mullins[7] told Paul Lorrain, the Newgate Ordinary, that "he had not known but that it was very lawful to plunder ships and goods belonging to the enemies of Christianity," he was only voicing the belief of the average common seaman of the day. It was this general trend of public opinion that led to many men of standing and ability

[5] A key is a small sandy isle, crowned by a few bushes, just rising above the surf.

[6] All Moslems, Indians, and Armenians were called "Moors" by sailors.

[7] Executed at the same time as Kidd for the same offences.

taking part in the trade of robbing Moors. Thomas Tew[8] was a sea captain of proved worth who had been sent by the Governor of the Bermudas in command of a privateer sloop to capture the French factory at Goory on the Gambian coast; on the voyage he and his crew turned pirate. Robert Culliford[9] was one of the East India Company's most trusted captains; yet he made off with the company's ship in the middle of a voyage in order that he and his crew might make their fortunes by plundering the Moors. No less a person than Colonel Benjamin Fletcher, Governor of New York and Pennsylvania from 1692 to 1696, was dismissed on account of suspicions that he was protecting the pirates for his private gain. It was the participation of such men that rendered the American pirates a menace to the world.

By 1695 the Government in London was deeply concerned for British trade with the East. In that year the East India Company had represented to the Government that the continual depredations of these pirates from America and Madagascar upon the vessels of the Great Mogul were creating imminent danger of reprisals on the company's ships. The company accordingly petitioned that a man-of-war might be despatched for the specific purpose of wiping out these pirates. The Government gave earnest consideration to this matter, but it was found that there was no suitable vessel which could be spared (England being still at war with France), and that Parliament had so appropriated the money voted for the Admiralty that none could be utilised for the purposes of such an expedition.

William III., therefore, took two steps which were to play a decisive part in the history of William Kidd. First, he appointed Lord Bellomont Governor of New England, with explicit instructions to suppress the growth of piracy in that province and along the American coast; and, secondly, he proposed to his Ministers that the ship requested by the East India Company should be fitted out and despatched by means

[8] Tew, or Too, was one of the pirates expressly mentioned in the Commission to Kidd, as one whom he was commanded to capture. Tew was never captured, but was killed in an attempt to seize a ship.

[9] Culliford had run off with the company's ship *Resolution*. He had re-named her the *Mocha Frigate*, and this was the ship in which he was found by Kidd at Madagascar.

of a private undertaking, for which he himself would contribute the sum of three thousand pounds, if the Ministers could raise the balance of whatever sum might be required. The King, however, characteristically quibbled out of his promise to subscribe; but his suggestion bore fruit, for certain prominent persons (headed by Lord Bellomont, who, as we have seen, was under orders to suppress the American pirates) decided to fit out an expedition themselves.

III.

Kidd and the Promoters of the Expedition.

Meanwhile, Kidd had arrived in the Thames with his trading sloop. In London he met an acquaintance from New York, one Colonel Robert Livingston.

Livingston was a man of considerable importance in his native colony. Born in Scotland in 1654, he had emigrated with his father to America at an early age and settled in Albany, where his ability and popularity soon raised him to the positions of town-clerk, member (and afterwards Speaker) of the Provincial Assembly, colonel in the Provincial forces, and, owing to his intimate knowledge of the natives, Secretary for Indian Affairs. He was a large landowner in New York, and wielded great influence. It was therefore but natural that Bellomont, on receiving his appointment as Governor of New England, should consult Livingston, who happened to be in London at the time, and mention to him the orders and suggestions which he had received with regard to the suppression of piracy. Bellomont also spoke of the proposed expedition against the pirates in Eastern waters. Livingston, meeting Kidd soon afterwards in London, and remembering that captain's good services to their home province, recommended him to Bellomont as one who could fitly be entrusted with the command of such an expedition.

Kidd was thereupon taken into the confidence of the promoters, and his advice sought as to the choice and purchase of a ship. It was estimated that six thousand pounds would be required to finance the adventure; Bellomont offered to find four-fifths of this sum, if Kidd and Livingston would find

the balance between them; and so, on 10th October, 1695, the following document was signed by the three parties concerned:—

ARTICLES OF AGREEMENT MADE THIS 10TH DAY OF OCTOBER IN THE YEAR OF OUR LORD 1695 BETWEEN THE RIGHT HONOURABLE RICHARD EARL OF BELLOMONT OF THE ONE PART AND ROBERT LEVINGSTON ESQ AND CAPT WILLIAM KID OF THE OTHER PART.

Whereas the said Capt William Kid is desirous of obtaining a commission as Captain of a Private Man of War in order to take prizes from the King's enemies, and otherways to annoy them, and whereas certain persons did sometime since depart from New England, Rode-Island, New York, and other parts in America and elsewhere with an intention to become pirates, and to commit spoils and depredations, against the laws of the nations, in the Red Sea or elsewhere and to return with such goods and riches as they should get to certain places by them agreed upon; of which said persons and places the said Capt Kid hath notice, and is desirous to fight with and subdue the said Pirates, as also all other Pirates with whom the said Capt Kid shall meet at sea in case he be empowered so to do. And whereas it is agreed between the said parties That for the purpose aforesaid a good and sufficient Ship to the liking of the said Capt Kid shall be forthwith bought, whereof the said Capt Kid is to have the command. Now these presents do witness and it is agreed between the said parties,

I That the Earl of Bellomont doth covenant and agree at his proper charge to procure from the King's Majesty or from the Lords Commissioners of the Admiralty (as the case shall require) one or more commissions, impowering him the said Capt Kid to act against the King's enemies, and to take prizes from them, as a private man of war in the usual manner: and also to fight with, conquer, and subdue pirates and to take them and their goods, with other large and beneficial powers and clauses in such commissions as may be most proper and effectual in such cases.

II The said Earl of Bellomont doth covenant and agree, That within three months after the said Capt Kid's departure from England, for the purposes in these presents mentioned, he will procure at his proper charge a Grant from the King, to be made to some indifferent and trusty person, of all such merchandizes goods treasure and other things as shall be taken from the said pirates, or any other Pirates whatsoever, by the said Capt Kid or by the said ship or any other ship or ships under his command.

III The said Earl doth agree to pay four fifth parts, the whole in five parts to be divided, of all moneys which shall be

laid out for the buying such good and sufficient ship for the purposes aforesaid, together with rigging and other apparel and Furniture thereof, and providing the same with competent victualling, the said ship to be approved by the said parties; and the said other one fifth part of the charges of the said ship to be paid for by the said Robert Levingston and William Kid.

IV The said Earl doth agree, That in order to the speedy buying the said ship, in part of the said four parts of five of the said charges, he will pay down the sum of sixteen hundred pounds by way of advance on or before the sixth day of November next ensuing.

V The said Robert Levingston and William Kid do jointly and severally covenant and agree That on or before the sixth day of November when the Earl of Bellomont is to pay the said sum of sixteen hundred pounds as aforesaid, they will advance and pay down four hundred pounds in part of the share and proportion which they are to have in the said ship.

VI The said Earl doth agree to pay such further sums of money as shall complete and make up the said four parts of five of the charges of the said ship's apparel, furniture and victualling, unto the said Robert Levingston and William Kid within seven weeks after the date of these Presents; and in like manner the said Robert Levingston and Capt Kid do agree to pay such further sums as shall amount to a fifth part of the whole charge of the said ship within seven weeks after the date of these Presents.

VII The said Capt Kid doth covenant and agree to procure and take with him on board of the said ship one hundred mariners or seamen, or thereabouts, to make what reasonable and convenient speed he can to set out to sea with the said ship, and to sail to such parts or places where he may meet with the said Pirates, and to use his utmost endeavours to meet with subdue and conquer the said Pirates or any other Pirates, and to take from them their goods merchandizes and treasure. Also to take what prizes he can from the King's enemies, and forthwith to make the best of his way to Boston in New England, and that without touching at any other port or harbour whatsoever, or without breaking bulk or diminishing any part of what he shall so take or obtain, on any pretext whatsoever, of which he shall make Oath, in case the same be desired by the said Earl of Bellomont, and there to deliver the same into the hands and possession of the said Earl.

VIII The said Capt Kid doth agree. That the contract and bargain which he will make with his said Ship's-Crew shall be

No Purchase No Pay, and not otherwise; and that the share and proportion which his said Ship's-Crew shall by such contract have of such Prizes, goods, merchandizes, and Treasures as he shall take as prize or from Pirates, shall not at the most exceed a fourth part of the same, and shall be less than a fourth in case the same may reasonably and conveniently be agreed upon.

IX The said Robert Levingston and Capt Kid do jointly and severally agree with the said Earl of Bellomont, That in case the said Capt Kid do not meet with the said Pirates which went from New England, Rode-Island, New York and elsewhere as aforesaid, or do not take from any other Pirates or from any of the King's enemies, such goods merchandizes or other things of value as, being divided as herein after is mentioned, shall full recompence the said Earl for the moneys by him expended in buying the said four fifth parts of the said ship and premises, that they then shall refund and pay to the said Earl of Bellomont the whole money by him to be advanced in sterling money or money equivalent thereunto, on or before the five and twentieth day of March which shall be in the year of our Lord 1697. (The Danger of the Seas, and of the King's Enemies, and Mortality of the said Capt Kid always excepted.) Upon payment whereof the said Robert Levingston and William Kid are to have the sole Property in the said ship and furniture and this Indenture to be delivered up to them, with all other covenants and obligations thereunto belonging.

X It is agreed between the said parties That as well as the goods merchandize treasure and other things which shall be taken from the said Pirates, or any Pirates, by the said William Kid, as also all such prizes as shall be by him taken from any of the King's enemies, shall be divided in manner following, That is to say, such part as shall be for that purpose agreed upon by the said Capt Kid (so far as the same do not in the whole exceed a fourth part) shall be paid or delivered to the Ship's-Crew for their use, and the other three parts to be divided into five equal parts, whereof the said Earl is to have his own use four full parts and the other fifth is to be equally divided between the said Robert Levingston and William Kid and is to be delivered them by the said Earl of Bellomont without Deduction or Abatement on any pretence whatsoever; but it is always to be understood that such Prizes as shall be taken from the King's Enemies are to be lawfully adjudged Prize in the usual manner before any Division or otherwise intermeddling therewith than accord-

ing to the true intent of the said commission to be granted in that behalf.

XI Lastly it is covenanted and agreed between the said Parties to these presents, That in case the said Capt Kid do bring to Boston aforesaid, and there deliver to the Earl of Bellomont, goods merchandizes Treasure or Prizes to the value of one hundred thousand Pounds or upwards, which he shall have taken from the said Pirates, or from other Pirates, or from the King's Enemies, that then the ship, which is now speedily to be bought by the said parties, shall be and remain to the sole use and behalf of him the said Capt William Kid, as a Reward and Gratification for his Good Service therein.

MEMORANDUM.

Before the Sealing and Delivery of these Presents it was covenanted and agreed by the said Earl of Bellomont with the said Robert Levingston and Capt William Kid that the Person to whom the Grant above-mentioned in these Articles shall be made by his Majesty shall within eight days at the most after such grant has been passed by the Great Seal of England, assign and transfer to each of them the said Robert Levingston Esq and Capt William Kid respectively, their Heirs and Assigns, one full tenth part (the Ship's-Crew's share and proportion being first deducted) of all such goods Treasure or other things as shall be taken by the said Capt Kid by virtue of such commissions as aforesaid; and the said Grantee shall make such assignment as aforesaid in such manner as by the said Robert Levingston Esq and Capt William Kid or their Counsel Learned in the Law shall be reasonably advised and required.

Thus it will be seen that under these articles neither Kidd nor his crew was to have one penny pay unless the ship took a prize; their pay was in fact entirely dependent upon the number of ships they captured. Kidd, moreover, would be liable to pay money to Bellomont if he did not take sufficient prizes to recoup the Earl for the sums he had laid out. It can readily be appreciated that such terms courted disaster. Here was a ship being sent to sea, manned by men whose livelihood depended upon their seizing other ships, the captain coming from a colony where piracy was regarded as a useful profession rather than as a crime.

By the end of November Kidd had found his ship, the *Adventure Galley*, of 287 tons and thirty-four guns. On 4th December she was duly launched at Castle's Yard, Dept-

ford. In the meantime, Bellomont had not been idle. The four thousand eight hundred pounds, for which he had made himself responsible, had been fully subscribed by six persons —Sir John Somers, the Earls of Orford and Romney, the Duke of Shrewsbury, one Edmund Harrison, and himself. These six persons thus became the real promoters of the expedition; and as their conduct was later to raise a storm of indignation in Parliament and throughout the country, it is well to notice who and what they were.

Richard Coote, Earl of Bellomont, was an Irish nobleman of Whig sympathies, who had been Treasurer and Receiver-General to Queen Mary, until she had lost patience with him and dismissed him, recording in her diary—"I turned him out and was censured for it all, which was no small vexation to me." Bellomont had next attained notoriety in 1693 by impeaching the Lord Chancellor of Ireland and one of the Irish Lords Justices for high treason, but the House of Commons had rejected the articles of impeachment as groundless. Though appointed Governor of New England in May, 1695, and subsequently of New York also, he did not reach his post until nearly three years later.[1]

Sir John Somers was the most distinguished lawyer in the kingdom. He had acted as junior counsel at the trial of the Seven Bishops and as Chairman of the Committee which drew up the famous Declaration of Right. Appointed Solicitor-General in 1689, he had been promoted Attorney-General in 1691, and Lord Keeper two years later. At the time of the promotion of Kidd's expedition Somers was one of the seven Lords Justices to whom the administration of the realm had been entrusted for the period of the King's absence on active service in the Netherlands. He subscribed one thousand pounds to the venture.[2]

Henry Sidney, Earl of Romney, was the intriguing and licentious uncle of the notorious second Earl of Sunderland.

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[1] Bellomont arrived in New York in April, 1698, and died there of "gout in the stomach" on 5th March, 1701, two months before Kidd's trial. He appears to have appealed to the colonists as a kind-hearted and just, if weak, Governor.

[2] Subsequently in 1697 Somers was created first Baron Somers and made Lord Chancellor; from 1699 to 1704 he was President of the Royal Society; from 1708 to 1710 Lord President of the Council; he died on 26th April, 1716.

It was Romney who had conveyed to William of Orange at the Hague the invitation to invade his father-in-law's realm, and he had landed with the Prince at Torbay.

Edward Russell, Earl of Orford, had seen considerable service afloat as Admiral during the sea-fighting in Charles II.'s reign. He had taken part in the operations carried out from 1676 to 1682 against the Barbary corsairs in the Mediterranean.

Charles Talbot, Duke of Shrewsbury, was at this time (like Somers) one of the Lords Justices who were acting during the King's absence. Though still a young man—he was born in 1660—Shrewsbury was regarded as one of the greatest noblemen of the day, King William having dubbed him "The King of Hearts."

Edmund Harrison, a prosperous City merchant, was a director of the New East India Company, and, as such, would of course have a personal interest in the suppression of piracy in Eastern waters. Harrison was undoubtedly a shrewd man, supervising the selection of the crew by Kidd, and rejecting all Scotsmen and colonists on the ground that their sympathies would probably be with smugglers and pirates, and that therefore they were not to be relied upon.[3]

These, then, were the men who were virtually Kidd's employers. On 10th December, 1695, the following warrant was issued by the Admiralty:—

By the Commissioners for Executing the Office of Lord High Admiral of England, Ireland, Etc.

Whereas by Commission under the Great Seal of England bearing Date the 26th Day of June 1689 We, or any Three or more of us, are required and authorised to grant Commissions unto such Persons as we deem fitly qualified in that behalf for the apprehending seizing and taking such Ships Vessels and Goods belonging to the French King and his Subjects and Inhabitants within the Dominions of the said French King; and such other Ships Vessels and Goods as are or shall be liable for confiscation; with other Powers in the said Commission expressed. These are therefore to will and require you forthwith to cause a Commission or Letter of Marque or Reprisal to be issued out of the High Court of Admiralty of England

[3] Harrison was subsequently knighted by William III. at Kensington in 1698.

unto Captain William Kidd, Commander of the *Adventure Galley*, Burden 287 Tons, 34 Guns, and 70 men, to set forth in warlike Manner the said ship called the *Adventure Galley* whereof the said Captain William Kidd is Commander, and to apprehend seize and take the Ships Vessels and Goods belonging to the French King or his Subjects or Inhabitants within the Dominions of the said French King; and such other Ships Vessels and Goods as are or shall be liable for confiscation; according to the said Commission granted unto us for that Purpose, and certain Articles and Instructions under her late Majesty's Signet and Sign Manual dated the 2nd of May 1693, a Copy whereof remains with you; and according to the Course of the Court of Admiralty and Laws of Nations; And you are therein to insert a Clause, injoining the said Captain William Kidd to keep an exact journal of his Proceedings; and therein particularly to take notice of all Prizes which shall be taken by him, the Nature of such Prizes, the Time and Place of their being taken, and the Value of them, as near as he can judge; as also the Station, Motion, and Strength of the Enemy, as well as he can discover by the best Intelligence he can get: Of which he is, from time to time, as he shall have an Opportunity, to transmit an Account for us to our Secretary, and to keep a Correspondence with him by all Opportunities that shall present; Provided always, That, before you issue such Commission, Security be given thereupon, according as directed in her late Majesty's Instructions afore-mentioned; as also, That a Recognizance, or sufficient security, not exceeding 500*l.* be entered into, obliging him not to carry in the said Ship more than one half of her Complement of Seamen but that all the rest of her Company be Landmen; and that he do, at the end of the Voyage, give in to the Secretary of the Admiralty a perfect List, in Columns, of his Ship's Company, expressing their Names, Qualities, Ages, Place of Abode, and whether married or single Men; and also, That he do give security strictly to conform himself to the Regulations contained in their Majesties' Proclamation of the 12th of July, 1694, concerning Colours to be worn on board Ships. This Commission to continue in Force till further Order; for which this shall be your Warrant.

Given under our Hands and the Seal of the Office of Admiralty, this Tenth Day of December, 1695.

F. Lowther.
H. Preistman.
H. Rich.

To Sir Charles Hedges, Knight,
Judge of the High Court of Admiralty of England.
By Command of the Commissioners. Wm. Bridgman.

A commission in the terms directed in the above warrant was issued accordingly to Kidd the following day, and on 26th January, 1696, the Great Seal was affixed to a second commission, by which Kidd was authorised to apprehend

and seize four specified pirates, and any other pirates, free-booters, or sea-rovers whom he might find:

WILLIAM THE THIRD, by the Grace of God, King of England, Ireland, Scotland, France, and Ireland, Defender of the Faith, To our Trusty and well-beloved Captain William Kidd, Commander of the Ship *Adventure Galley*, or to the Commander of the said Ship for the time being; Greeting. Whereas we are informed, That Captain Thomas Too,[4] John Ireland, Captain Thomas Wake, Captain William Maze or Mace, And other our Subjects, Natives or Inhabitants of New England, New York, and elsewhere in our Plantations in America, have associated themselves with divers other wicked and ill-disposed persons; and do against the Laws of Nations, daily commit many great Piracies, Robberies, and Depridations, upon the Seas in the Parts of America and in other Parts, to the great Hindrance and Discouragement of Trade and Navigation, and to the Danger and Hurt of our loving Subjects, our Allies, and all others, navigating the Seas, upon their lawful Occasions: Now know ye, That we, being desirous to prevent the aforesaid Mischiefs, and, as far as in us lies, to bring the said Pirates, Free-booters, and Sea Rovers, to Justice, have thought fit, and do hereby give and grant unto you, the said William Kidd to whom our Commissioners for executing the Office of our Lord High Admiral have granted a Commission as a private Man of War, bearing date the Eleventh Day of December, 1695; and unto the Officers, Mariners and others, which shall be under your Command, full power and Authority to apprehend seize and take into your custody as well the said Captain Tho. Too, John Ireland, Captain Thomas Wake, William Maze alias Mace, as such Pirates, Free-booters, and Sea Rovers, being either our own Subjects or of other Nations associated with them, which you shall meet with upon the said Coasts or Seas of America, or in any other Seas or Parts, with their Ships and Vessels; And also such Merchandizes, Money, Goods, and Wares, as shall be found on board, or with them, in case they shall willingly yield themselves, but if they will not submit without fighting, then you are by Force to compel them to yield: And we do also require you to bring, or cause to be brought, such Pirates, Free-booters, and Sea Rovers, as you shall seize, to a legal Tryal, to the end they may be proceeded against according to the Law in such cases: And we do hereby charge and command all our Officers, Ministers, and other our loving Subjects whatsoever, to be aiding and assisting to you in the Premises: And we do hereby enjoin you to keep an exact journal of your Proceedings in the execution of the Premises; and therein to set down the Names of such Pirates, and of their Officers and Company, and the Names of such Ships and Vessels, as you shall, by virtue of these Presents, seize and take; and the Quantities of Arms, Ammunition, Provision, and Loading of such Ships, and the

[4] See note 8, *ante*.

true value of the same, as near as you can judge: And we do hereby jointly charge and command you, as you will answer the same at your utmost Peril, That you do not, in any manner, offend or molest any of our Friends or Allies, their Ships or Subjects, by Colour or Pretence of these Presents, or the Authority hereby granted. In Witness whereof, we have caused our Great Seal of England to be affixed to these Presents. Given at our Court at Kensington, the 26th Day of January 1695/6, in the Seventh Year of our Reign.

Thus by the end of January Kidd was in possession of his ship and two commissions. As security for the due performance of his obligations he was required to enter into a bond in twenty thousand pounds and Colonel Livingston was required also to enter into another bond in ten thousand pounds as guarantor of Kidd's integrity. There now remained but one thing to be obtained—the most important thing of all, from the point of view of Bellomont and Kidd—namely, the right to retain the profits of the expedition. So anxious was the King that the East India Company's request for a ship should be met that Bellomont experienced little difficulty in obtaining the required concession; a document was drawn up, whereby the King, in consideration of the fitting out of the expedition, granted to the promoters thereof all such ships and goods as might be taken by Kidd from any pirates he might find in pursuance of his commission. Bellomont and Harrison were named therein as two of the grantees, but so anxious were the other lords to keep their connection with the undertaking from public knowledge that the names of four dummy grantees were inserted in lieu of their own names.[5]

On 25th February, 1696, Kidd received his sailing orders from Bellomont:

Captain William Kidd,

You being now ready to sail, I do hereby desire and direct you that you and your Men do serve God in the best Manner you can: That you keep good Order, and good Government in your Ship: That you make the best of your Way to the Place and Station where you are to put the Powers you have in Execution, and, having effected the same, You are, according to Agreement, to sail directly to Boston in New England, there to deliver unto me the whole of

[5] The Privy Seal was not, however, affixed to this document until 30th April, after Kidd had sailed. For the full text of the grant, see Appendix I.

Colonel Robert Livingston

what Prizes, Treasure, Merchandizes, and other Things, you shall have taken by virtue of the Powers and Authorities granted you: But if, after the Success of your Design, you shall fall in with any English Fleet bound for England, having good convoy, you are, in such case to keep them company, and bring all your Prizes to London, notwithstanding any Covenant to the contrary in our Articles of Agreement. Pray fail not to give Advice, by all Opportunities, how the Galley proves; how your Men stand, what Progress you make; and, in general, of all remarkable Passages in your Voyage, to the time of your Writing. Direct your Letters to Mr. Edmund Harrison.

I pray God grant you good Success, and send us a good Meeting again. BELLOMONT.

And so, two days later, Kidd weighed anchor at Deptford in the *Adventure Galley*.

IV.

Kidd Sets Sail.

According to Kidd's own narrative,[6] the *Adventure Galley* was stopped at the Nore on 1st March, and held up there for nineteen days, while some of his crew were pressed for the Fleet. On the face of it, this would appear improbable, for the crews of privateers were regarded as exempt from impressment; yet, there is no other reason to doubt this statement, for Kidd's account of his movements for the first twelve months of the voyage remains uncontradicted in any material particular and is corroborated in many details by the testimony of others. In view of the fact that, on arrival at New York, Kidd undoubtedly did have to recruit a substantial addition to his crew, the balance of probability is that his statement with regard to the impressment at the Nore is correct.

When allowed to proceed once more, Kidd made for the Downs with the eighty men left to him—one must assume that they were not the pick of the original strength, who would undoubtedly have been the ones "pressed"—called at Plymouth, and finally set sail for the New World on 23rd April, 1696. During May Kidd took a small French

[6] See Appendix II.

vessel, bound for Newfoundland with salt and fishing-tackle, and on his arrival at New York on 4th July she was condemned as a lawful prize, her cargo sold, and the proceeds expended in laying in a further stock of provisions for the *Adventure Galley*.

In New York Kidd set about filling the vacancies created by the impressment of his men at the Nore, and brought the strength of his crew up to one hundred and fifty-five. That he should have been forced to recruit men, for the purpose of this voyage, in a colony where piracy was prevalent was, at the least, highly unfortunate. If none was an actual pirate, many must have had piratic sympathies. Way back in London, shrewd Edmund Harrison had supervised the selection of the crew with such canny care! It was perhaps a mercy that he did not know that all his precautions had been in vain.

There can thus be little doubt that when Kidd sailed on 6th September, 1696, from New York the germs of disaster had already been shipped aboard the *Adventure Galley*.

Crossing the Atlantic, he put into Madeira for fruit and wine on 8th October, and eleven days later he made the Cape Verde Islands, calling at Bonavista (Boa Vista) for salt and at St. Jago (Sao Thiago) for water. At the end of the month he set sail for the Cape of Good Hope, and on 12th December, just before rounding the Cape, he met with four men-of-war under the command of Captain Warren, in whose company he sailed for a week. Making for the western coast of Madagascar, Kidd took the *Adventure Galley* into the port of Telere (Tuliar).

One point here is worthy of note, for it may tend to disclose the direction in which Kidd's thoughts and intentions were already veering. Madagascar was the most notorious stronghold of the pirates in Eastern waters. Kidd had been sent specifically to attack and apprehend these pirates. Might he not then have been reasonably expected—if he were honest in his intentions—to sail up that part of the cost of Madagascar where those pirates were known to lurk, namely, up the eastern coast? Instead of that, we find him avoiding that coast—in fact, he does not go near it for another fifteen months! This fact may, or may not, be significant. On

the face of it, it would seem that he had already decided not to appear in these waters as the foe of pirates.

On 4th February, 1697, Kidd weighed anchor once more, and, setting a nor'-nor'-westerly course, made for Johanna (Anjuan), some 150 miles away, where he watered, and thence to Mihelia (Mohilla), where he careened the ship, and where, he states, some fifty of his crew died within a week, probably of cholera.[7] It is at this point that Kidd's own narrative becomes untrustworthy, for it entirely omits any mention of the next important episode—which, however, undoubtedly took place. From now on Kidd records only those events which he believes are not incriminating. It is therefore not unreasonable to assume that it was at this stage that Kidd definitely decided to sacrifice reputation and position for the shadowy fortune to be wrung from robbing Moors.

V.

Kidd Turns Pirate.

In fairness to Kidd it must be remembered that he was undoubtedly placed in an extremely unenviable position. By the terms of his agreement with Lord Bellomont, neither he nor his crew was entitled to any pay; it was by now more than twelve months since the *Adventure Galley* had left London, and, with the exception of the small French vessel captured *en route* to America (from the proceeds of which none of them had derived any personal benefit), no prize had been taken, and consequently not a penny earned. To make matters worse, sickness had just carried off a third of the crew, and the ship was beginning to leak. It is therefore not surprising that the ship's company had reached a state of rampant discontent, and that from those who had been recruited in New York came open suggestions of piracy as the only means of improving their unhappy lot. Doubtless Kidd found his crew already beyond control. These considerations must be borne in mind when passing judgment on Kidd.

In July, 1697, the *Adventure Galley* dropped anchor off

[7] Anjuan and Mohilla are two islands in the Cormoro group.

Bab's Key, an islet in the mouth of the Red Sea, which served as an admirable lurking-place from which a watch could be kept upon all vessels going in and out of the sea. For three weeks Kidd waited here for the Mocha fleet to come out.[8] Three times he sent a boat through the strait to Mocha to ascertain what the ships were doing. At last, on 14th August, the fleet came by. The evidence is conflicting as to who was the aggressor, but shots were undoubtedly exchanged between some of the ships and Kidd, who, realising that his opponents were numerically too strong for him, made away and set sail for the Malabar coast.[9]

On 20th September, when fifteen leagues[1] from Carrawar (Karwar), the *Adventure Galley* met with a Moorish ketch, manned by Moors under an English captain named Parker, with one other European, a Portuguese, on board. Kidd took several bales of pepper, several bales of coffee, and some myrrh off the ship. He was, however, unable to find any money, and ordered some of the crew to be lashed to the masts and drubbed with naked cutlasses in the hope of making them disclose its whereabouts. Having failed to extract any information, he let the ship go, keeping Parker and the Portuguese on board the *Adventure Galley*. The Portuguese was apparently retained for future use as "linguister" —the seaman's name for an interpreter. Kidd then made for Carrawar to wood and water. At Carrawar two of his crew left him, because, so they reported, "he was going upon an ill design of piracy."[2] Shortly afterwards some officials from the English factory came aboard to ask if Kidd had got Parker and the Portuguese on the ship; but Kidd stoutly denied their presence—(they were hidden in the hold) —and put to sea again.

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[8] Mocha, or Mokha, was the chief port of the Yemen coffee traffic.

[9] No mention of the Red Sea or of the Mocha fleet appears in Kidd's own narrative. He represents that he sailed straight from Johanna to the Malabar coast.

[1] It is not clear whether it was fifteen or fifty leagues. The former seems the more probable.

[2] These men were arrested by the Commandant, one Upton, sent to the General at Bombay, and escorted to England, where they were examined at the Admiralty and released on the ground that they had abandoned Kidd in time. It was doubtless through them that news of Kidd's actions first leaked out.

Sailing down the coast, he was attacked by a Portuguese frigate, which he drove off after a long fight, eleven of the crew of the *Adventure Galley* being wounded during the action. Kidd then anchored off one of the islands that fringe the coast and sent a party ashore for water. Some of the natives proved hostile and cut the cooper's throat, whereupon Kidd had one of them tied to a tree and shot, and ordered some of the huts to be set on fire by way of reprisal. Standing out to sea again, Kidd met with a Dutch ship, the *Loyal Captain*, commanded by Captain Hoar. Some of the crew were in favour of taking this ship, but Kidd prevented them. There is reason to believe that, so far, Kidd's evil actions had been due to weakness in submitting to the demands of an unruly crew rather than to malice aforethought. On this occasion he was apparently strong enough to resist them. There was a mild sort of mutiny, which he quelled, but bad feeling continued to run through the ship. Matters came to a head about a fortnight later, on 30th October, 1697. William Moore, the gunner, was at work on deck, when Kidd chided him with having wished to take the *Loyal Captain*. Moore denied the charge, whereupon the captain called him "a lousy dog." "If I am a lousy dog," retorted the gunner, "then you have made me one." Kidd paced angrily up and down the deck for a moment or two, then picked up an iron-bound bucket and struck Moore so savagely on the head with it that the gunner died the next day.

It may well be that Kidd felt that by this act of murder he had burnt his boats. He could now no longer sail the seas as a guiltless captain; he had definitely sunk into crime, and he might now just as well be hung for a sheep as for a lamb. Be that as it may, his career of definite piracy now begins. On 27th November, when four leagues from Calicut, he sighted a ship. Hoisting French colours, Kidd gave chase. On coming up with his prey, he found her to be the *Maiden*, a ship of 200 tons, bound for Surat with a cargo of two horses, ten or twelve bales of cotton, some quilts, and sugar. The master, a Dutchman named Mitchell, with two other Dutchmen and eight or nine Moors, came aboard the *Adventure Galley* and declared that it was a Moorish ship,

producing a French pass.[3] Kidd put the Moors in the long-boat, sold the cotton and horses on the coast to the natives for money and gold, and took the ship along with him as a prize.

On 28th December, whilst again cruising in the same waters, Kidd seized a Moorish ketch, from which he took some tubs of sugar candy and some tobacco. Twelve days later he stopped a Portuguese vessel, from which he took a quantity of East India goods, some opium, powder, rice, iron, beeswax, and thirty jars of butter. Sailing inshore, he sold the opium on the coast, and put to sea again, just in time to catch another Portuguese ship on 20th January. He made her also a prize, but was forced to let her go a week later, on being chased by a squadron of Dutch ships.

It was on 30th January, 1698, that Kidd took his richest prize, the ship which was to bring about his final downfall. This was the *Quedagh Merchant* (sometime referred to as the *Karra Merchant* or *Quidah Merchant*), a merchantman of 400 to 500 tons, bound for Surat from Bengal, captured by him about ten leagues from Cochin on the Malabar coast. On sighting her, Kidd gave chase, flying French colours. After four hours he came up with her, and put two shots across her bow. The *Quedagh Merchant* was flying Armenian colours, belonged to Armenian owners, and was commanded by an Englishman named Wright, who (quite naturally, seeing that Kidd was flying French colours) produced a French pass. Kidd thereupon put Captain Wright and his crew (consisting of two Dutchmen, a Frenchman, six or seven Armenians, and ninety Moors) into the long-boats, and sent them ashore; and carried off the *Quedagh Merchant* as a prize. She was richly laden with bales of silks and muslins, sugar, iron, saltpetre, guns, and some gold in specie. Some of the goods he sold on the coast for seven or eight thousand pounds. Finding himself now with two prizes—the *Maiden* and the *Quedagh Merchant*—Kidd decided to convoy them to Mada-

[3] As Kidd had shown French colours, it was only natural that the captain should show a French pass. The practice was for the owners to obtain, if possible, a pass from each nation with ships in those waters. We know, from the sworn statement of one of Kidd's seamen, that the captain of this ship had other passes besides the French pass. As regards Kidd's rights as a privateer, the test was not the pass, but the nationality or domicile of the owners.

gascar. But his latest exploit began to frighten him, and four or five days afterwards he assembled his crew and proposed that they should take back the *Quedagh Merchant* and hand it over to Captain Wright, as "the taking of this ship would make a great noise in England, and they would not know what to do with the goods taken in the same"; but the crew would not hear of such a thing, and the *Adventure Galley* continued on her course with her two prizes. Whilst still off the southern part of the Malabar coast, he met with another Portuguese ship, and began to plunder her, but was forced to let her go and make his own escape with the two prizes, on sighting men-of-war on the starboard beam, taking with him the ship's master-merchant and seven of the crew who had been taken on board the *Adventure Galley*.

So, in May, 1698, Kidd arrived at Madagascar. It is significant that this time he chose that part of the coast which was known to be the haunt of pirates; and dropped anchor at St. Marie, an islet off the western coast.

VI.

Kidd at Madagascar.

Kidd had reached St. Marie in the *Adventure Galley*, together with the *Maiden*, some days ahead of the *Quedagh Merchant*. The *Adventure Galley* had become so crazy and leaky that he decided to scrap her; so, after unlading her, he ordered his men to set her on fire. The *Maiden* was scuttled and sunk in St. Marie harbour, after everything of use or value had been taken off her. Kidd then proceeded to share the spoils with his men. The bales of silks and muslins and other merchandise in the *Quedagh Merchant* were counted and divided into shares, each share being represented by three or four bales and an odd assortment of other goods. Kidd took forty shares for himself, the rest being divided among the hundred and fifteen members of the crew.[4] Provisions and stores were bought with the proceeds of the

[4] Kidd's crew had, of course, been reduced to one hundred by the deaths at Johanna, the desertions at Carrawar, and the murder of Moore, but had been brought up to this number by the addition of men from the captured ships who had agreed to serve under him.

sale of other spoils, and the remainder of the plunder was stored on board the *Quedagh Merchant.*

At St. Marie lay another ship. Once she had been the East India Company's *Resolution,* but her captain, Robert Culliford, had run away with her and her crew to turn pirate; now, renamed by him, she was known as the *Mocha Frigate.* On the arrival of Kidd with his ships, Culliford's men (numbering about forty) had run into the woods, thinking that he had come to take them. What exactly happened after that is uncertain; Kidd's story was that he had endeavoured to persuade his men to capture Culliford and his crew and to take the *Mocha Frigate,* but that they had refused, that ninety of them had deserted him, robbed his ships, and joined Culliford, and that for weeks he had gone in fear of his life, locked in his cabin; on the other hand, the evidence against him was that he and Culliford fraternised from the outset. What is certain is that some of Kidd's men did in fact join Culliford, either by agreement with Kidd or otherwise, that Culliford and Kidd went aboard each other's ships, and that eventually Kidd agreed over a drink of Bomboo[5] that he would not molest Culliford or his men in any way.

In view of Kidd's subsequent protestations of innocence, it is well to examine his conduct at Madagascar. Let us assume in his favour for the moment that, as he contended, he had only seized ships which he lawfully might seize. Let us also likewise assume that, as he alleged, he did in fact endeavour to persuade his crew to take Culliford and the *Mocha Frigate.* How does his subsequent conduct appear? By the terms of the articles of agreement with Bellomont, and by the terms of his commissions, he was bound to do certain things. Did he honestly attempt to do them? He was bound "forthwith to make the best of his way to Boston in New England" with his prizes, "and that without touching at any other port or harbour whatsoever, or without breaking bulk or diminishing any part of what he shall so take or obtain." He acted in every way contrary to these orders; instead of making for Boston, he put into port at St. Marie; instead of taking his prizes home, he set fire to one of them; instead of preserving the cargo, he divided it

[5] Bomboo was a drink made of limes, sugar, and water.

up among himself and his crew. Even allowing for the fact that his crew was probably so unruly that he could only keep them under control by making them some payment—even then, why did he remain at St. Marie for five long months, and why did he not make an inventory of all the captured goods and merchandise as he was bound to do? Moreover, by the articles of agreement, he was strictly bound not to divide any spoils until the ships had been lawfully adjudged prizes.

Three or four weeks after Kidd's arrival Culliford and one hundred and thirty men sailed away in the *Mocha Frigate*. Kidd remained on at St. Marie, bartering goods for money and gold in Madagascar, and recruiting men for his depleted crew. As an example of the type of men with whom Kidd was now amicably associating, one may be mentioned—Captain John Kelly, a notorious pirate, who was afterwards hanged for his many misdeeds in August, 1700—the very type of man whom Kidd was ordered to seize. Kelly eventually sailed home with Kidd on the *Quedagh Merchant*.

At last, in September, 1698, Kidd set sail, his ship loaded with a rich hoard of merchandise, goods, jewels, gold, and pieces of eight. After a quiet voyage he arrived off Anguilla, in the West Indies, at the end of April, 1699. There he sent some men ashore, where they received the tidings that Kidd and all his crew had been proclaimed pirates.

VII.

The Kidd Scare in England.

What had been happening meanwhile in England?

Kidd's expedition, it will be remembered, had originated in the King's desire for some response to the East India Company's petition in regard to the suppression of piracy in the Indian seas. Kidd had sailed early in 1696, and the company had not unreasonably hoped for definite results to become apparent towards the end of that year. Matters, however, continued to grow steadily worse; right through 1696 and 1697 the company received report after report of further depredations of the pirates on ships of the Great

Mogul, and of the anger consequently aroused amongst the natives, who had in some cases made reprisals on the company's property, seizing its factories and making prisoners of the factors. To make matters even worse came the news that one of the company's own captains—Culliford—had run away with the East Indiaman under his command to join the pirates. The situation was, in fact, becoming desperate; neither on sea nor on land was the company's property safe; both trade and credit were suffering accordingly. And still there came not the long-awaited news of Captain Kidd. When, at last, tidings did arrive, they were to the effect that he too had turned pirate.

It has already been noted that at Carrawar, in the autumn of 1697, two of Kidd's crew had left him on account of his "ill design of piracy," and had been arrested and sent home to England for examination at the Admiralty. The cat had thus been let out of the bag at this early date, and the English factories on the western coast of India had soon afterwards learnt of Kidd's other acts of piracy; yet the company in London received no news of this until August, 1698, in a letter from their president at Surat.[6] Then further information came through, including a report that Kidd was at St. Marie, and was intending to sail to the West Indies to refit prior to returning for further piracies in the Indian seas.

On 18th November, 1698, the company wrote to the Lords Justices, definitely accusing Kidd of piracy in regard to the seizure of the *Quedagh Merchant*. The Lords Justices at once took vigorous steps. A squadron had already been fitted out, in response to the company's many recent complaints, for the suppression of piracy in the East Indies. Its commander, Captain Warren, then about to sail, was ordered to "pursue and seize Kidd if he continue still in those parts," and also to apprehend Captain Wright (the skipper of the *Quedagh Merchant*), in order that inquiry might be made as to how the latter came to surrender his ship to Kidd without making any resistance. On 23rd November a cir-

[6] The chief factory of the company was at Surat. The letter in question was probably carried on the same ship on which the two prisoners were brought home for examination.

cular letter was despatched by Rear-Admiral Benbow[7] to the Governor of every American colony, calling upon each of them to "give strict orders and take particular care for apprehending the said Kidd and his accomplices wherever he shall arrive . . . as likewise to secure his ships and all the effects therein, it being Their Excellencies' intention that right be done to those who have been injured and robbed by the said Kidd, and that he and his associates be prosecuted with the utmost rigour of the law." Finally, to facilitate Kidd's capture, a proclamation was drawn up, offering a free pardon to all pirates at Madagascar, excepting Kidd and two others specifically named, who might surrender themselves by a specified date to any of the persons named in the proclamation.

The public soon got wind of these developments, and the whole country seethed with the wildest rumours. Some of these rumours were undoubtedly fostered by the political enemies of Somers[8] and Shrewsbury, and the part played by these two lords and their colleagues in promoting the expedition became the subject of the wildest conjecture—and censure; it was even asserted that the four lords—(two of whom were then acting as Lords Justices)—had sent Kidd to sea in the *Adventure Galley* with express orders to commit piracy for their benefit, and that to this end they had naturally taken pains to select a captain with great experience of the art of piracy. Even the King was not held above suspicion. During the ensuing summer many canards were spread regarding the fate of the now notorious Kidd. Luttrell, who had a keen relish for such tit-bits of gossip, records some of them:

"1 Aug. 1699. We have a report that Captain Kidd who some time since turned pyrate in the *Adventure Galley* and took from the subjects of the Great Mogull and others to the value of £400,000 is taken prisoner by a French ship, the commander of which sent him in irons to the Great Mogull.[9]

[7] John Benbow (1653-1702) was under orders to sail to the West Indies. He was to deliver these letters on the way. Having done so, he successfully recaptured from the Spaniards two ships which they had taken from Scottish merchants in Darien. On his return he was promoted Vice-Admiral, and became the King's most intimate adviser.

[8] Somers was now Lord Chancellor.

[9] "Relation of State Affairs," vol. iv., p. 543.

"3 Aug. 1699. We now have letters from the West Indies which contradict the taking of Captain Kidd the pyrate, and say that after the *Adventure Galley* was sunk he went on board a Portuguese and sailed directly for Darien where the Scots received him and all his riches.[1]

"5 Aug. 1699. Captain Kidd the pyrate, some time since said to be taken by a French man-of-war, afterwards contradicted and that he was gone to Darien, we now hear was at Nassau Island, near New York, and sent for Mr. Livingstone, one of the Council there, to come on board: accordingly he went to him and he proffered £30,000 to give the owners, who first fitted out the *Adventure Galley*, and £20,000 for his pardon: but 'tis presumed the same will not be accepted.[2]

"17 Aug. 1699. Letters from Curassau (Curaçao) say that the famous pyrate Captain Kidd in a ship of 30 guns and 250 men offered the Dutch Governor of St. Thomas 45,000 pieces of eight in gold and a great present of goods, if he would protect him for a month, which he refused: but the said pyrate bought afterwards of an English ship provisions to the value of 25,000 crowns and since supplyed with necessaries from other ships.[3]

"22 Aug. 1699. There are letters which say the famous Captain Kidd has surrendered himself to the Lord Bellomont, Governor of New England."[4]

This last rumour proved true. But even the certain knowledge that Kidd was under arrest did not entirely allay the scare which had spread the length and breadth of England. Four powerful lords were known to have been connected with the venture; the public was apprehensive lest these lords should intrigue Kidd's escape, in order that their own culpability might not be brought to light. A small incident was to show how deep-rooted was this suspicion. In September, 1699, H.M.S. *Rochester* was ordered to New York to fetch back Kidd in irons. Having put to sea, the ship ran into the teeth of a terrific storm. After battling with the elements for some weeks, she crept back, battered, to port for repairs.

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[1] *Ibid.*, vol. iv., p. 544.
[2] *Ibid.*, vol. iv., p. 545.
[3] "Relation of State Affairs," vol. iv., p. 549.
[4] *Ibid.*, vol. iv., p. 551.

Immediately a violent public outcry burst forth. This return of the *Rochester*, it was openly alleged, was but a trick of the four great lords to prevent Kidd being brought to England for trial! So great was the uproar and so insistent the allegations that the Lords Justices ordered an official inquiry into the return of the *Rochester*. The inquiry was conducted by Mr. St. Loe, the Admiralty Commissioner at Plymouth, who reported that Captain Ellis, commander of the *Rochester*, had only done his duty in returning to port; but the public was not altogether satisfied.

The East India Company also apparently had fears that the Government might hush the matter up, unless stirred to action by outside pressure. Accordingly, on 21st September, 1699, a deputation from the board of the company waited upon the Lords Justices and presented a petition praying that Kidd be brought to a speedy trial, and that all the goods and effects taken by him from subjects of the Great Mogul be sent back to them.

The House of Commons now decided to inquire into the matter, and called for copies of all documents relating to Kidd's expedition. Accordingly, on 2nd December, 1699, Mr. Lowndes delivered at the table of the House copies of the commissions to Kidd and of the grant of pirates' goods to Bellomont and the nominees of the four great lords. These documents were read and the House adjourned. Under date 16th March, 1700, the following minute appears in the Journal of the House of Commons (volume xiii):

> "The House being informed that Captain Kidd is sent home from the West Indies,
>
> "Resolved, That an humble Address be presented to his Majesty that the said Captain Kidd may not be tried, discharged, or pardoned, until the next session of Parliament. And that the Earl of Bellomont, governor of New England, may transmit over all communications, instructions, and other papers, taken with, or relating to, the said Captain Kidd."

There is little doubt that this address was prompted by the fear that while Parliament was not sitting the four great lords would succeed in securing the release or pardon of Kidd without trial or inquiry. Furthermore, the House was

anxious to have Kidd brought before it in person, in order that he might be examined at the bar, in the hope of extracting from him incriminating evidence against the four lords. On 8th April Mr. Secretary Vernon acquainted the House that the King, having heard that the ship with Kidd on board had arrived off Lundy Island and was bound for the Downs, had sent his yacht to meet the prisoner, and had given instructions for the Lords of the Admiralty to despatch their marshal to take him into custody. Still apprehensive, certain members introduced a motion that an address be presented to the King to have Somers removed from the Woolsack " for ever " ; but the motion was defeated by a narrow margin, and the House rose on the day before that on which Kidd arrived in the Thames, a prisoner on the King's yacht.

VIII.

Kidd's Arrest.

To return to Kidd himself. Having learnt at Anguilla in April, 1699, that they had been proclaimed pirates, he and his men, he says, were caused " great consternation." They accordingly made for the island of St. Thomas, where they were greeted with the same news. Kidd himself says that at St. Thomas his brother-in-law, Samuel Bradley, who was sick, was put on shore, and that five others deserted the ship ; it is far more probable that the evidence of one of his crew is more reliable in stating that the Governor refused to allow any of them to land. Certain it is that the *Quedagh Merchant* made sail as fast as possible from St. Thomas. When off the south-western extremity of Porto Rico Kidd spoke the *Antonio*, a trading sloop belonging to a merchant named Boulton, of Antigua. Boulton went on board the *Quedagh Merchant*, and the two ships made together for the island of Mona, between Porto Rico and San Domingo. Boulton was soon persuaded to supply Kidd with provisions ; handing over a small supply for immediate needs, Boulton set sail for Antigua, leaving the *Quedagh Merchant* anchored off Mona. Eight days later he returned in the *Antonio* with a large store of provisions, which he sold to Kidd, telling

him that a further supply would soon arrive in a brigantine belonging to one Burt. Whilst waiting for this brigantine the *Quedagh Merchant* broke her moorings in a storm and was blown out to sea, Boulton being on board. The *Antonio* followed, and the two ships and the brigantine, which encountered them at sea, eventually anchored off the coast of Hispaniola (Haiti).

Once again Kidd's conduct was hardly consistent with his pretended innocence. After some negotiations he purchased the *Antonio* from Boulton, payment being made in bales of goods and merchandise from the *Quedagh Merchant*. Some more bales of goods were then sold to the master of the brigantine; others to the captain of a Dutch ship which stood in shore to speak with them; some were transferred into the *Antonio*. Leaving the *Quedagh Merchant*, with the remainder (and bulk) of the goods and merchandise on board, in the charge of Boulton and twenty-two men, Kidd put to sea in the *Antonio* and made for New England. The arrangement was that Boulton was to wait with the *Quedagh Merchant* at Hispaniola for three months or until Kidd returned, whichever was the shorter period, and he was authorised to sell the goods left on board.

Early in June the *Antonio* ran into Delaware Bay and anchored off Lewiston, where a man named Gillam was landed with a heavy chest. Rounding the east end of Long Island, Kidd ran up the sound into Oyster Bay, whence he despatched a letter to one Emmot, an old friend of his in New York, requesting him to come on board at once.

Kidd had apparently sailed for New England from Hispaniola with the intention of staking everything upon a game of bluff. Proclaimed pirate as he was, with a squadron out in search of him, he realised that to stay at sea could only mean certain disaster; by returning voluntarily, posing as an innocent man, and handing over some of his ill-gotten spoils, he might still hope to save his neck—it was his only chance. But, on reaching New England, his courage failed him; hence his decision to send Emmot to Bellomont to plead his cause and find out how matters stood. His choice of an ambassador was singularly unfortunate, for Emmot, a lawyer by profession, was an avowed Jacobite and a friend

of Colonel Benjamin Fletcher, Bellomont's predecessor in the office of Governor, who had been removed on account of suspected sympathies with the pirates. Emmot came quickly in response to Kidd's summons, boarded the *Antonio* at Oyster Bay, and was landed again at Rhode Island, whence he hastened to Bellomont, whom he interviewed at Boston late at night on 13th June. The nature of that interview will appear hereafter. Bellomont thereupon instructed Mr. Duncan Campbell, the postmaster of Boston, to accompany Emmot back to Kidd to persuade him to bring the *Antonio* into port. Emmot and Campbell found Kidd at Block Island, and a long interview took place, after which Campbell returned to Bellomont, to whom, in the presence of the Council, he reported what had transpired.

The nature of the negotiations which had so far taken place, and the nature of the story put forward by Kidd as his defence, are best described by quoting the letter which Bellomont sent to Kidd on 19th June by Duncan Campbell:

"Boston, 19 June, 1699.

"Captain Kidd.

"Mr. Emott came to me last Tuesday Night late, telling me, He came from you, but was shy of telling me where he parted with you; nor did I press him to it: He told me, You came to Oyster Bay, in Nassau Island, and sent for him to New York. He proposed to me, That I would grant you a Pardon: I answered, That I had never granted one yet; and that I had set myself a Rule, not to grant a Pardon to any body whatever without the King's express Leave or Command. He told me, You declared and protested your Innocence; and that, if your Men could be persuaded to follow your Example, you would make no manner of Scruple of coming into this Port, or any other within his Majesty's Dominions: That you owned there were Two Ships taken; but that your Men did it violently against your Will; and had used you barbarously, in imprisoning you, and treating you ill, most Part of the Voyage, and often attempting to murder you. Mr. Emott delivered me Two French Passes, taken on board the Two Ships which your Men rifled; which Passes I have in my Custody; and I am apt to believe they will be a good Article to justify you, if the late Peace

John Somers, 1st Baron Somers of Evesham

were not, by the Treaty between England and France, to operate in that Part of the World at the time the Hostility was committed, as I am almost confident it was not to do. Mr. Emott also told me, You had to about the value of 10,000*l.* in the Sloop with you; and that you have left a Ship somewhere off the Coast of Hispaniola, in which there was to the Value of 30,000*l.* more, which you had left in safe Hands, and had promised to go to your People in that Ship, within three Months, to fetch them with you to a safe Harbour. These are all the material Particulars I can recollect that passed between Mr. Emott and me: Only this, That he told me, that you showed a great Sense of Honour and Justice, in professing, with many Asseverations, your settled and serious Design, all along, to do Honour to your Commission, and never to do the least Thing contrary to your Duty and Allegiance to the King: And this I have to say in your Defence, That several Persons at New York, who I can bring to evidence if there be Occasion, did tell me, That by several Advices from Madagascar and that Part of the World, they were informed of your Men's revolting from you in one Place; which I am pretty sure they said was at Madagascar; and that others of them compelled you, much against your Will, to take and rifle Two Ships.[5] I have advised with his Majesty's Council and shewed them this Letter, this Afternoon; and they are of Opinion, That if your Case be so clear as you (or Mr. Emott for you) have said, then you may safely come hither, and be equipped and fitted out, to go and fetch the other Ship; and I make no manner of Doubt but to obtain the King's Pardon for you and those few Men you have left, who, I understand, have been faithful to you, and refused, as well as you, to dishonour the Commission you had from England.

"I assure you, on my Word and Honour, I will perform nicely what I have now promised: Though this I declare beforehand, That whatever Treasure or Goods you bring hither, I will not meddle with the least Bit of them; but they shall be left with such Trusty Persons as the Council

[5] This is the only real suggestion of any corroboration of Kidd's story. Why did these people not come forward during the subsequent inquiries? Was this a ruse of Bellomont's to give Kidd a feeling of confidence, and so induce him to come into port?

shall advise, until I receive Orders from England, how they shall be disposed of. Mr. Campbell will satisfy you, That this that I have now writ is the Sense of the Council and of

"Your humble Servant,

"BELLOMONT."

This letter of Bellomont has been severely criticised on the ground that he treacherously inveigled Kidd into surrendering himself by pledging his honour that Kidd would be pardoned. This is an unfair criticism; it is abundantly clear that Bellomont's promise was (quite naturally and properly) conditional upon Kidd's ability to show that his protestations of innocence were justified. As will appear hereafter, Kidd was given every opportunity to vindicate himself, and it was not until his conduct clearly showed his guilt that he was arrested.

One other point is also of interest, in view of subsequent events. It will be noted that Kidd admitted the seizure of the two ships from which he took the French passes, and that he sent those passes to Bellomont. Now, if he believed that those passes justified him in seizing the two ships, why should he plead that the ships were seized violently by his men against his will? If they were French ships, it was his *duty* to seize them. It will be noted that at a later stage he abandons this story that the ships were seized against his will. Why, then, did he allege it now?

This letter was brought to Kidd by Duncan Campbell. During the latter's absence Kidd had transferred certain chests and goods from the *Antonio* into three sloops which had put out to Block Island. Why—if he were innocent?

Kidd then sent the following reply to Bellomont:

"From Block Island Road, on Board the Sloop
"*St. Antonio*, June the 24th 1699.

"May it please your Excellency.

"I am honoured with your Lordship's kind Letter of the 19th instant, by Mr. Campbell; which came to my Hands this Day; for which I return my most hearty Thanks.

"I cannot but blame myself for not writing to your Lordship before this Time, knowing it was my Duty; but the Clamours and false Stories that have been reported of me

made me fearful of writing[6] or coming into any Harbour, till I could hear from your Lordship.

"I note the Contents of your Lordship's Letter: As to what Mr. Emott and Mr. Campbell informed your Lordship of my Proceedings, I do affirm to be true; and a great deal more might be said of the abuses of my Men, and the Hardship I have undergone to preserve the Ship. And what goods my Men had left: Ninety-five[7] Men went away from me in one Day and went on board the *Moca Frigate*, Captain Robert Culliford, Commander; who went away to the Red Seas, and committed several Acts of Piracy, as I am informed, and am afraid (the Men formerly belonging to my Galley) that the Report is gone home against me to the East India Company that I have been the Actor: A Sheet of Paper will not contain what may be said of the Care I took to preserve the Owners Interest, and to come home to clear my own Innocence. I do further declare and protest, That I never did in the least act contrary to the King's Commission, nor to the Reputation of my honourable Owners; and doubt not but I shall be able to make my Innocence appear; or else I had no need to come to these Parts of the World, if it were not for that, and my Owners Interest. There are Five or Six Passengers, that came from Madagascar to assist me in bringing the Ship home, and about Ten of my own Men, that came with me, would not venture to go into Boston, till Mr. Campbell had engaged, Body for Body, for them, That they should not be molested while I stayed at Boston, or till I return with the Ship. I doubt not but your Lordship will write to England in my favour, and for these few Men that are left. I wish your Lordship would persuade Mr. Campbell to go home for England with your Lordship's Letters; Who will be able to give account of our Affairs, and diligently follow the same, that there may be a speedy Answer from England. I desired Mr. Campbell to buy 1000 Weight of Rigging, for fitting of the Ship to bring her to Boston, that I may not be delayed when I come there. Upon receiving of your Lordship's Letter, I am making the best of my

[6] Why? If he were innocent, they should have made him only the more anxious to write.

[7] Kidd is never consistent in any of his details. In his narrative he quotes the number as ninety-seven.

Way for Boston.[8] This, with my humble Duty to your Lordship and Countess, is what offers from, my Lord,

"Your Excellency's most humble and dutiful Servant,

"Wm. Kidd."

This letter was duly carried to Boston by Duncan Campbell, who also brought to Lady Bellomont, as presents from Kidd, an enamelled gilt box with four diamonds set in gold, and two rings which were afterwards valued at sixty pounds. These were promptly handed over by Bellomont to the Council. Kidd was, in fact, anxious to purchase the goodwill of every one with whom he came in contact; to Duncan Campbell he gave a hundred pieces of eight and some pieces of muslin and other goods; to Mrs. Campbell he gave a gold chain and some pieces of muslin; to the master of the sloop which conveyed Campbell out to the *Antonio* he gave a bale of white calico, some pieces of muslin, and some sugar; and to a companion of Campbell some pieces of Arabian gold. Kidd also promised five hundred pounds to Campbell if the latter could procure a pardon for him. At Block Island Mrs. Kidd and children came on board.[9] Kidd's next movements are noteworthy; instead of sailing straight for Boston, he made for Gardiner's Island, where he landed two bales of goods, a heavy chest (afterwards found to contain gold and silver), two or three other chests, two negro boys, and a negro girl—all of which were left in the care of Mr. John Gardiner, a man of considerable substance and standing. Here also Kidd sold some bales of merchandise to the master of another sloop. Were these the actions of a man who was honestly anxious to take back to the promoters all the proceeds of the expedition? For some days Kidd was hovering between Gardiner's Island and Block Island, landing on each several times.

From Gardiner's Island Kidd made his way to Boston, putting in at Tarpolin Cove to land some bales of goods. On 30th June he exchanged courtesies with a Boston sloop and presented the master with a piece of a bar of gold, asking him also to take on board his sloop to Boston a bag

[8] In spite of this promise Kidd took, it will be seen, no less than ten days to get from Block Island to Boston.

[9] Beyond the fact that her Christian name was Sarah, nothing is known of Mrs. Kidd.

containing pieces of eight, a Turkey carpet, a clock, a small bundle supposed to contain clothes belonging to Mrs. Kidd, and a pair of stilliards. All these articles were accordingly transferred into the Boston sloop.

On 2nd July, 1699, Kidd arrived off Boston and landed. He and his wife and children took up their quarters in a boarding-house kept by Duncan Campbell. Colonel Robert Livingston, greatly disturbed by the rumours which were current concerning the very man whom he had so strongly recommended for the command of the expedition, hastened to meet Kidd. Not satisfied, apparently, with Kidd's explanations, Livingston went to Bellomont and demanded to be released from the bond into which he had entered as Kidd's guarantor, but, as might be expected, he was not successful. Livingston was not, however, above accepting certain presents from Kidd.

On 3rd July Kidd made his first appearance before Bellomont, who sat in Council in his house. Kidd's manner was truculent. He alleged that the journal of the voyage, which he had kept, had been destroyed by his mutinous men, and that he had not had time to prepare a full narrative to replace it. He was accordingly granted until five o'clock the next day to prepare and produce a detailed account of his movements and actions since leaving England. At the appointed time on 4th July Kidd again appeared before the Governor and Council, and again protested that the narrative was not yet ready. On this occasion he was accompanied by five of his crew. His attitude was still more truculent; he refused to disclose the exact spot where he had left the *Quedagh Merchant* in Hispaniola—indeed, he even denied that the ship he had left there was the *Quedagh Merchant;* and, despite the fact that his men had admitted that a Portuguese ship had been seized by the *Adventure Galley*, he denied this also. He was, nevertheless, allowed until 5 p.m. on the following day to produce a written narrative. On 5th July he again protested that he had not had time, and again the inquiry was accordingly adjourned for twenty-four hours. At the appointed time on 6th July Kidd did not appear; he was therefore sent for. He refused to come, saying that he had not yet finished the preparation

of his written statement. Accordingly the Council resolved that he should be arrested—more particularly because rumours were current that he was intending to slip away to sea again.

Later in the day Kidd was arrested outside the door of Bellomont's house. He attempted to draw his sword, then broke away and rushed into the house, followed by the constable, who finally overpowered his prisoner in Bellomont's presence. On searching Kidd's lodgings a quantity of gold dust and ingots was discovered between two feather beds.

Even with Kidd under arrest, Bellomont's mind was not at rest. He had found it no easy matter to persuade the Council to order the arrest. Public opinion was still in sympathy with pirates, and at any moment might lead to an attempt to effect Kidd's release. Even the Provincial Assembly had rejected a Bill which Bellomont had recommended (on the instructions of the Home Government) for the punishment of pirates. So again Bellomont had recourse to the Council, who on 17th July resolved: "That the said Captain Kidd be put into the Stone Prison, be Ironed, and Company kept from him." It was feared that he might escape from the prison-keeper's house, in which he had hitherto been confined—a fear for which there was some justification, for, but a fortnight previously, a pirate named Bradish had escaped from prison with the connivance of the gaoler.

Arrest had had a salutary effect upon Kidd. On 7th July Duncan Campbell was enabled to present to the Council a narrative of the voyage of the *Adventure Galley*, written in Kidd's own hand.[1] Furthermore, Kidd disclosed the whereabouts of the *Quedagh Merchant*. Bellomont immediately gave orders for a ship to be fitted out to find her and bring her and the treasure back to Boston; but before the ship was ready to sail, one Captain Evertse, freshly arrived from Curaçao, brought the news that Boulton and his men had transferred the goods out of the *Quedagh Merchant* into a sloop, set her on fire, and sailed away from Hispaniola. There was also further evidence that her cargo had been sold by Boulton and his men in Curaçao. Bellomont had therefore

[1] See Appendix II.

to content himself with recovering such of the proceeds of the expedition as Kidd had disposed of in New England.[2] Statements were taken from the men who had returned with Kidd—all of whom had been arrested, with the exception of four who escaped—and also from the skipper of the *Antonio*, and from all those who had any knowledge of Kidd's movements since arriving off the New England coast.[3]

On instructions from the Admiralty, Kidd and his men were shipped as prisoners to London.

IX.

Proceedings before Trial.

Kidd, as we have seen, was brought to London in the King's yacht. On 14th April he was privately examined before the Board of Admiralty—the Judge of the Admiralty Court being present—and was then sent to Newgate to be kept in irons. Nine days later, however, on his petition, his irons were knocked off.

We have seen that the House of Commons had insisted that Kidd should not be tried until the next session of Parliament. In view of the suspicions aroused by the connection of the four powerful lords with the expedition, this attitude can hardly be deemed unreasonable, but it had one regrettable result, namely, that the prisoner was kept in Newgate awaiting trial for over a year. Kidd was arrested in Boston on 6th July, 1699; he was not brought to trial at the Old Bailey until 8th May, 1701! The modern conscience revolts at the thought of a man being kept in prison without trial for close on two years.

On 6th March, 1701, Parliament having at last re-assembled, the Commons ordered all papers in connection with Kidd's expedition to be laid before them by the Admiralty. On the following day the documents were duly presented, but it was found that they were so mixed up with other documents relating to piracy that a special Committee was appointed to sort them. On 27th March Sir Humphrey

[2] See Appendix III. It will be seen that Kidd had hidden all the most valuable stuff at Gardiner's Island.

[3] See Appendix IV.

Mackworth, the Chairman of this Committee, delivered the papers, duly sorted, at the clerk's table; the petition of one Cogi Babba (an Armenian, who was part-owner of the *Quedagh Merchant*), praying for justice in respect of his losses at Kidd's hands, was read, Cogi Babba appearing in person at the bar of the House; and Kidd was brought in from Newgate and examined.

It is evident that at this stage the Commons were desirous not so much for the punishment of Kidd as to obtain some evidence which would inculpate the four lords. It may reasonably be assumed that they hoped to obtain some such evidence from Kidd. Had they done so, they might well have been willing to obtain a pardon for him. But they were disappointed. Kidd made a poor showing; he was truculent, and obstinately denied all the accusations made against him; one account alleges that he was drunk. On hearing Kidd's answers, one member exclaimed: "I had thought him only a knave. I now know him to be a fool as well." On the following day Kidd was again examined, and Sir Edmund Harrison[4] was sent for and examined also. The House then entered into debate, and a motion was put that the grant of pirates' goods should be declared illegal and therefore null and void; but the motion was defeated by 193 votes to 185—a majority small enough to cause the four lords some consternation. The House then voted an Address to the King that Kidd be put on trial in the ordinary way, and on 1st April Mr. Secretary Hedges announced that the King had ordered that this should be done.

Under date 16th April, 1701, the following minute appears in the Journal of the House:

> "The House being informed that Captain Kidd had sent to the Commissioners for executing the office of Lord High Admiral of England, that he may have the use of his Commission, and some other papers, at his trial; which things now lie before the House,
>
> "Ordered, That the said Commission, and such other papers as Captain Kidd desires, be delivered, by the Clerk of this House, to the Secretary of the Admiralty."

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[4] One of the promoters of the expedition, and one of the grantees of pirates' goods.

Among these papers were the two French passes which Kidd had sent by Emmot to Bellomont, and which the latter had forwarded to the Admiralty. That these two French passes did exist there can be no doubt, for copies of them appear in the Journal of the House of Commons.[4a] Nevertheless, the passes were never allowed to reach Kidd's hands, and the judges at the trial were led by the prosecution to believe that no such passes existed. That this was grossly unjust cannot be denied; but, as will be discussed later, it cannot fairly be said that it resulted in a miscarriage of justice.

On 8th May, 1701, William Kidd appeared in the dock at the Old Bailey. There were six indictments against him, involving four separate trials. The first indictment charged him with the murder of William Moore, the gunner; the second indictment (second trial) with piracy in regard to the *Quedagh Merchant*; the third and fourth indictments (third trial), with piracy in regard to the ships seized by him on 20th September, 1697, and 27th November, 1697; the fifth and sixth indictments (fourth trial), with piracy in regard to the ships seized on 28th December, 1697, and 10th January, 1698. On the piracy charges there stood with him in the dock nine of his crew.

X.

Kidd's Judges—and Others.

There were no less than six judges concerned in the trials of Kidd, Lord Chief Baron Ward, Baron Hatsell, Justices Turton, Gould, and Powell, and the Recorder of London, Sir Salathiel Lovell.

Sir Edward Ward (1638-1714) had acquired an extensive practice in the Court of Exchequer before being raised to the bench. In 1683 he had appeared as counsel for the ill-fated Lord William Russell; and, in another case, had gained notoriety by a heated passage of arms with Chief Justice Jeffreys. In 1689 he was appointed a judge of the Common Pleas, but four days later was excused at his own request. In 1693 he was appointed Attorney-General, and in 1695 raised to the bench as Lord Chief Baron of the Exchequer. Just previous to the Kidd trial Ward had sat as one of the

[4a] The originals are in the Record Office.

judges in the Bankers' case, and was one of those who had declined to give an opinion. He was a careful and painstaking judge, and his conduct during Kidd's trial for murder shows him to have been gifted with rare patience.

Sir Henry Hatsell, born in 1641, was called to the bar in 1667, took the coif in 1689, and was raised to the bench as Baron of the Exchequer in 1697. Mr. Justice Turton, called to the bar in 1673, gained elevation by his support of the Revolution, being appointed Baron of the Exchequer in 1689, and was transferred to the King's Bench seven years later. Mr. Justice Gould, called to the bar in 1667, serjeant in 1692, was made a judge of the King's Bench in 1699, and on his first circuit had the unusual experience of fining a baronet £100 for contempt of Court, the contempt consisting in kicking the High Sheriff and calling the judge a liar.

Most picturesque of all is the figure of Mr. Justice Powell (1645-1713). John Powell was called to the bar in 1671, sat as M.P. for Gloucester, and in 1691 was appointed Baron of the Exchequer, being transferred later to the Common Pleas. He sat as one of the judges in the celebrated case of *Ashby* v. *White*. His reputation as a lawyer was of the highest, and as a man he was universally admired and liked. Dean Swift, in a letter to Stella, described Powell as "an old fellow with grey hairs, who was the merriest old gentlemen I ever saw, spoke pleasing things, and chuckled till he cried again." Powell presided at the trial of Jane Wenham, who was accused of witchcraft. In the course of the trial it was alleged that she could fly, whereupon the judge smiled at the prisoner and remarked: "You may—there is no law against flying."

Of a different stamp was Sir Salathiel Lovell, Recorder of London, who opened the sessions at which Kidd was tried. He was old and incompetent. During his Recordership—to which he was elected by the casting vote of the Lord Mayor—he proved himself so forgetful that he was nicknamed the "Obliviscor of London."

The leader for the Crown at Kidd's trial was the Solicitor-General, Sir John Hawles, a man who had attained eminence at the bar very quickly, possibly through political influence, he having sat as M.P. for Old Sarum, Wilton, St. Michael, and Truro.

XI.

Did Kidd have a Fair Trial?

The allegation that Kidd did not have a fair trial has so often been made that it is well to examine it with some care.

In those days, it must be remembered, accused persons in criminal cases were obliged to conduct their own defence, and were not allowed counsel for the purposes of examining or cross-examining witnesses or of addressing the jury on questions of fact. Counsel were only permitted to appear on their behalf with the leave of the Court, and then solely for the purpose of addressing the bench on questions of law. On appearing in the dock, Kidd immediately applied that Dr. Oldish and Mr. Lemmon (who were present on his instructions) might be assigned to him as counsel. After much delay, caused by Kidd's obstinacy in refusing to plead, his application was granted, and his counsel then moved that the trial be postponed, on the ground that he had not yet been put in possession of the two French passes, which were among the papers that the House of Commons had ordered should be delivered to him.

The Court allowed the indictments for piracy to stand over until the following day, and Kidd was then put on his trial for murder. In regard to this trial, no reasonable complaint can be made; the jury found a verdict of guilty upon evidence which was not only clear, but was also strengthened by the questions put by Kidd in cross-examination, and sentence of death was duly passed.

The trials for piracy are, however, in a different category. Kidd was certainly placed at a grievous disadvantage. A prisoner in those days could not give evidence in his own defence; and, since his men were charged with him in the same indictments, he was prevented from calling any of them as witnesses in his behalf. Undoubtedly, therefore, he was handicapped; but this was the necessary result of the rules of procedure of the day, and Kidd was prejudiced thereby no more than any other eighteenth-century prisoner. In his case, moreover, the handicap was theoretical rather than practical; for it is certain that the evidence of his co-prisoners (could they have been called) would have aided

the prosecution rather than helped the defence; either they would have had to repeat the evidence given by them at their examination in Boston[5] (which would have been fatal to Kidd), or, if they departed from that evidence, they would have been confronted in cross-examination with the Boston depositions, with the inevitable effect upon the jury (which would have been equally fatal to Kidd).

The attacks made upon Kidd's trial are, however, based on other grounds: first, that he was wrongfully deprived of documents which, so it is suggested, would have provided him with a complete defence; secondly, that the evidence adduced by the prosecution was both insufficient and also so tainted—coming from former accomplices—that it was inadmissible without corroboration.

First, as to the withholding of documents. The documents referred to are, of course, the two French passes. It must be remembered that Kidd was charged with piracy in respect of five separate vessels; as regards three of these ships, it was never suggested that any French passes existed, and so the issue of those indictments was not, and could not be, affected by the non-production of the documents. But the indictments for the seizure of the *Quedagh Merchant* (second trial) and the *Maiden* (second indictment in the third trial) are in a different category. Here, indeed, there is grave cause for comment. It cannot be denied that a gross injustice was done to Kidd by the Admiralty in not handing those papers over to him or to his advisers, as ordered by the House; and a still greater injustice lay in the conduct of the prosecution in not admitting the existence of the two passes. It is in fact a blot on the fair name of British justice. Kidd kept cross-examining as to the existence of these passes; the witnesses for the prosecution replied (probably quite truthfully) that they had never seen them. And to make matters worse, this question of the existence of the passes was put to the jury (by Lord Chief Baron Ward in the second trial, and by Mr. Justice Turton in the third trial) as a material question for their consideration. No blame can attach to either judge; each summed up with commendable fairness on the facts as before them; nevertheless, by the

[5] See Appendix IV.

withholding of the passes from Kidd, the Admiralty prevented him from placing before the jury the true evidence on a question referred to them as a material one. To that extent, as regards these two indictments (but only as regards these two indictments), it may be conceded that Kidd did not have a fair trial.

But now we come to a different aspect of the problem, namely, did this highly regrettable feature in the case result in fact in a miscarriage of justice? It must be remembered that the passes could only have provided Kidd with a defence to the indictments if in fact the ships were (or were reasonably believed by Kidd to be) the property of French subjects or of persons domiciled in French dominions. It was not sufficient for Kidd merely to prove that he found a French pass on board each ship. And that is all he could have done, even if the passes had been produced. It is clear that in fact a French pass was produced by the captain of each ship only because Kidd was flying French colours himself. If corroboration of this is needed, it is to be found in the statements procured by Bellomont from the very men who were standing beside Kidd in the dock. (See Appendix IV.) From the statement of William Jenkins, corroborated by Barlicorn and Lamley, it is manifest that other passes (besides the French passes) were produced, and that Kidd knew full well that both ships were Moorish ships, belonging to Moorish owners. Moreover, as Lord Chief Baron Ward pointed out more than once during the second trial, if these ships had been French ships which Kidd was entitled to seize, then Kidd was bound to have them condemned as prizes and had no right (as he did do) to share their cargoes with his men. A study of the evidence for the prosecution also clearly reveals that in fact the ships were Moorish, that the owners were Moors, and that Kidd knew it. For that reason, coupled with the additional point put by Lord Chief Baron Ward above, no reasonable jury could have failed to convict, even if the passes had been produced. So, although Kidd was unjustly treated by this wrongful suppression by the Admiralty of material evidence, yet it appears clear that that evidence (if produced) would not have affected the jury's verdict; and, especially in view of the further evidence of which we know, but which could not be placed before the

jury at the trial (see Appendix IV), it is therefore clear that no actual miscarriage of justice resulted. Those who do not agree with this view may console themselves with the following thought: even had Kidd (by the production of the passes) been acquitted of the charges preferred in these two indictments—even then, he would still have suffered the extreme penalty in respect of the convictions on the indictment for murder and the three other indictments for piracy. But this does not obliterate the scar left upon the face of British justice.

Now, as regards the nature and cogency of the evidence for the prosecution. If the two witnesses called by the Crown were to be believed, then their testimony was certainly definite and comprehensive enough to justify a conviction. And the jury did believe these witnesses. Those who quibble at Kidd's conviction say that these witnesses should not have been believed—or, alternatively, that their evidence was not admissible without corroboration—because they were accomplices. The two witnesses in question were Joseph Palmer, who had served under Kidd in the *Adventure Galley*, and Robert Bradinham, who had been the surgeon on board that ship. These two men had left Kidd at Madagascar, and had subsequently come home and been pardoned under the proclamation issued by the Lords Justices in November, 1698. It is thus material to note that these men had not turned King's evidence to save their own skins; their pardon was not on account of, or conditional upon, their appearance in the witness-box against Kidd; they had already been pardoned before any question of evidence arose. There was thus no inducement for them—either of fear or reward—to give evidence which was not true; indeed, in so far as they testified as to the piratic exploits of the *Adventure Galley*, they could harm rather than help themselves.

It will thus be seen that the reasons for regarding (and rightly so) the evidence of accomplices with suspicion were absent in this case. Neither Palmer nor Bradinham stood to gain anything by their testimony. Those critics who allege that the evidence of accomplices must be corroborated to become sufficient stretch even the modern view of the law of evidence too far. As recently as 1916 the Court of

Criminal Appeal[6] laid down the law as follows:—" The uncorroborated evidence of an accomplice is admissible in law, but the jury should be warned of the danger of convicting on such evidence. If, after such a warning, the jury convict, the Court will not quash the conviction merely on the ground that the evidence of the accomplice was uncorroborated, but it will do so if it considers the verdict unreasonable or that it cannot be supported having regard to the evidence." The obligation of pointing out to the jury the danger of convicting on such evidence had not been established in Kidd's day as a legal rule. Nevertheless, the jury were well aware of the character and past history of these two witnesses; and the jury believed them, as they were entitled to do. As one of the judges pointed out in reply to Kidd's protest, theirs was the only evidence that could be got in the circumstances. Moreover, the very nature of the questions put by Kidd in cross-examination only served to corroborate the testimony given against him.

Thus we may sum up. There were indeed features in the Kidd case which offend the modern conception of justice; he was kept in prison awaiting trial for nearly two years; he was deprived of the use of certain material papers at his trial, in defiance of the order of the House of Commons; he suffered, in common with all prisoners of the age, from the contemporary rules of procedure which forbade him or any of his co-prisoners to go into the witness-box in his defence, and which deprived him of the services of counsel for the purpose of cross-examination. Nevertheless, none of these grievances can be charged against his judges or the jury; within the limits prescribed by the rules of procedure of the day, Kidd was given a fair trial by both judges and jury—in fact, his judges exhibited great patience. A review of the evidence as a whole, and the study of the documents which were not (and could not be) placed before the Court (see Appendix IV), make abundantly manifest the fact of Kidd's guilt and the substantial justice of his conviction.

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[6] *R.* v. *Baskerville*, [1916] 2 K.B. 658.

XII.

The End of Kidd.

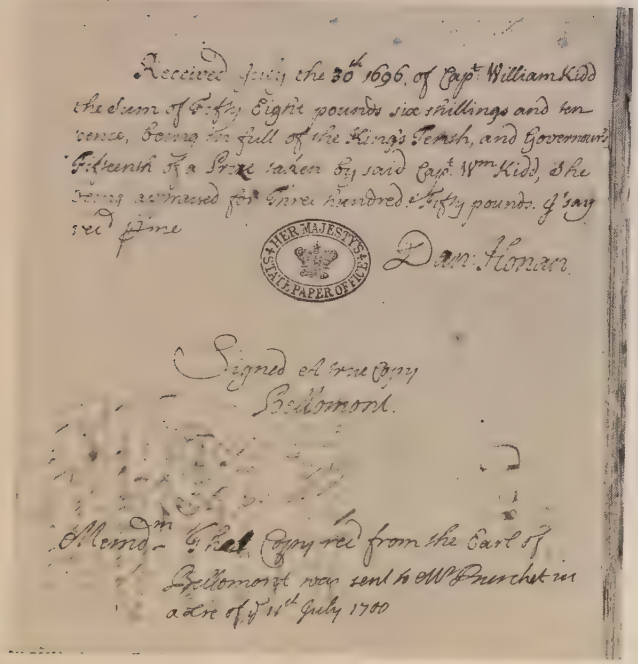
For the final scenes of Kidd's life we are indebted to that prolix chronicler of criminals' last hours, the Rev. Paul Lorrain, Ordinary of Newgate.[7]

The four trials occupied two days—8th and 9th May. On 10th May Lorrain visited the convicted pirates and "admonished them to self-examination and repentance." The next day was Sunday; so Lorrain preached to them, choosing for his text the passage: "And they shall go away into everlasting punishment." And very cheering they must have found his kindly sentiment! From then on, in the approved manner of the day, Lorrain endeavoured daily, by the usual threats of eternal damnation and the promise of forgiveness to the repentant, to extract confessions from the condemned men. Kidd, apparently, remained adamant, "vainly flattering himself with hopes of a reprieve." To the very end, he persisted in declaring his innocence. In Lorrain's own words:

> "I found him unwilling to confess the crime he was convicted of, or declare anything, otherwise than that he had been a great offender, and lived without any due consideration either of God's mercies or judgments or of his wonderful works which had often been set before him. That he never remember'd to return Him thanks for the many great deliverancies he had received from Him nor called himself to account for what he had done. And now he owns that God is a just God and he a vile wretched sinner. He says he repents of all his sins and hopes to be saved through the merits of Christ. He further declares that he dies in charity with all the world."

Now all this was highly unsatisfactory to the Rev. Paul Lorrain. He would sooner have had his inquisitive mind satisfied by a full and detailed confession in place of these

[7] "The Ordinary of Newgate his account of the behaviour confessions and dying words of Captain William Kidd and other pirates that were executed at the Execution-dock in Wapping on Friday May 23rd 1701." (1701.)



Received July the 30th 1696 of Capt. William Kidd the sum of Fifty Eight pounds six shillings and ten pence, being the full of the King's Tenth, and Governours Fifteenth for a Prize taken by said Capt. Wm Kidd, She being appraised for Three hundred Fifty pounds. I say rec'd p me

HER MAJESTY'S STATE PAPER OFFICE

Dan: Homan

Signed ed true Copy
Bellomont.

Memd. That Copy rec'd from the Earl of Bellomont was sent to Mr Fauchet in a Lre of y 11th July 1700

Copy of receipt for dues paid by Kidd in respect of the condemnation as a prize of the French ship taken by him on the voyage from Plymouth to New York

pious sentiments. And he was a persistent man. So, on the day of the execution, he had Kidd in the chapel both in the morning and again in the afternoon, and administered "further admonitions of repentance." Still without success:

> "I was afraid the hardness of Capt. Kidd's heart was still unmelted. I therefore applied myself with particular exhortations to him and laid the judgments of God against impenitent and hardened sinners, as well as his tender mercies to those that were true and sincere penitents, very plain before him. To all of which he readily assented and said that he truly repented of his sins and forgave all the world, and I was in good hopes he did so. But having left him, to go a little before him to the place of execution, I found to my unspeakable grief, when he was brought thither, that he was inflamed with drink, which had so discomposed his mind, that it was now in a very ill frame and very unfit for the great work, now or never to be performed by him.[8] I prayed for him and so did other worthy Divines that were present, to whom (as well as to myself) the Captain appeared to be much out of order, and not so concerned and affected as he ought to have been. 'Tis true he spake some words expressing his confidence in God's mercy thro' Christ, and likewise declared that he died in charity with the world, but still I suspected his sincerity, because he was more reflective upon others than upon himself, and still would endeavour to lay his faults upon his crew and others, going about to excuse and justify himself, much about the same manner as he did when upon his trial. When I left him at Newgate, he told me he would make a full confession at the tree, but instead of that (contrary to my expectation) he was unwilling to own the justice of his condemnation, or so much as the providence of God, who for his sins had deservedly brought him to this untimely end."

The gallows were at Execution Dock, overlooking the river at Wapping. This was the usual place of execution for pirates. It had a special significance for Kidd, for it

[8] The "great work" was presumably the confession which Lorrain was so anxious to obtain for publication.

was not far from here—only the other side of the water—that he had set out on his fatal voyage in the *Adventure Galley*. The date was the 23rd of May, 1701.

All those who had been tried and convicted with Kidd had been reprieved, with the exception of Darby Mullins. Mullins was hanged first. Then came Kidd's turn. Having addressed the crowd, warning all masters of ships to take a lesson from his fate, he was turned off. But his end was not yet to come. The rope on which he was suspended broke. Kidd fell to the ground with the halter around his neck, and was found to be still alive and conscious. Yet this terrible incident had no horror for the Rev. Paul, who seized upon this further chance vouchsafed to him to extract a confession:

> "When he was brought up and tied again to the tree, I desired leave to go to him again, which was granted. Then I showed him the great mercy of God to him in giving him (unexpectedly) this further respite that so he might improve the few moments now so mercifully allotted to him in perfecting his faith and repentance. Now I found him in much better temper than before.[9] But as I was unwilling, and the Station also very incommodious and improper for me, to offer anything to him by way of question that might perhaps have discomposed his Spirit, so I contented myself to press him to embrace (before it was too late) the mercy of God, now again offered him, upon the easy conditions of steadfast faith, true repentance, and perfect charity. Which now he did so fully and freely express, that I hope he was hearty and sincere in it, declaring openly that he repented with all his heart, and died in Christian love and charity with all the world. This he said as he was on the top of the ladder (the scaffold being now broken down) and myself half way on it, as close to him as I could, who, having again, for the last time, pray'd with him, left him, with a greater satisfaction than I had before that he was penitent."

At least Kidd could not be attacked upon the ground of want of courage. He had faced this last terrible ordeal unflinchingly. He died game.

[9] The poor wretch was only half-conscious.

XIII.

Kidd's Treasure.

One problem remains unsolved to this day. What became of the *Quedagh Merchant* and of the treasure that was supposed to be aboard her? Captain Evertse had reported that the ship had been burnt, and that Boulton and his men had seized everything she contained, selling the goods in Curaço and other islands in the West Indies. At first this report was accepted, but as time passed rumours were circulated to the effect that Kidd's ship and treasure still lay hidden. From time to time, even so recently as during the last century, expeditions have been fitted out in search of it. Some declared that the ship had been sunk off the coast of Hispaniola, but the more popular view was that she had been brought to New England by Boulton, and sunk off the coast. The story that has obtained most credence is that she was brought up the North River, and scuttled and abandoned near the Highlands. The truth will presumably never be known.

The value of the goods and gold and jewels recovered from the sloop *Antonio* and from the various places where Kidd had hidden them in New England was £10,000. It was believed that the value of all that was left in the *Quedagh Merchant* was between forty and fifty thousand pounds.

Kidd's property and effects were forfeited to the Crown, and provided a sum of £6471, which Queen Anne gave towards the establishment of Greenwich Hospital.

Leading Dates connected with the Trial of William Kidd.

1645 (*circa*).		William Kidd born at Greenock.
1690 (*circa*).		Kidd sees service in the West Indies against the French, and assists in the maintenance of law and order in New York during the civil disturbances.
1691.	May 14.	£150 voted by the New York Legislature as a reward to Kidd for his services.
1695.	May.	Lord Bellomont appointed Governor of New England.
,,	July (?)	Kidd arrives in the Thames with his trading sloop.
,,	Oct. 10.	Articles of Agreement signed between Bellomont, Kidd, and Robert Livingston.
,,	Dec. 4.	The *Adventure Galley* launched at Deptford.
,,	Dec. 11.	Commission issued to Kidd as a Privateer.
1696.	Jan. 26.	Commission issued to Kidd to seize Pirates.
,,	Feb. 25.	Kidd receives his sailing orders from Bellomont.
,,	Feb. 27.	Kidd sets sail from Deptford.
,,	Mar. 1.	Kidd stopped at the Nore, and some of his men pressed for the Fleet.
,,	April 23.	Kidd sets sail from Plymouth for New England.
,,	Sept. 6.	Kidd sets sail from New York.
1697.	Jan.	Kidd reaches Madagascar.
,,	July.	Kidd at Bab's Key.
,,	Sept. 6.	First Act of Piracy.
,,	Oct.	Two men desert the *Adventure Galley* at Karwar, and report Kidd's design of Piracy.
,,	Oct. 30.	Murder of William Moore.
,,	Nov. 27.	Second Act of Piracy.
,,	Dec. 28.	Third Act of Piracy.
1698.	Jan. 10.	Fourth Act of Piracy.
,,	Jan. 30.	Kidd seizes the *Quedagh Merchant.*
,,	May.	Kidd reaches Madagascar.
,,	Sept.	Kidd leaves Madagascar.
,,	Nov. 18.	East India Company reports Kidd's piratic exploits to the Lords Justices.
,,	Nov. 23.	The Lords Justices order all Colonial Governors to take steps to arrest Kidd.

Leading Dates—continued.

1699.	April.	Kidd reaches Anguilla, in the West Indies, and learns that he has been proclaimed pirate.
,,	May.	Kidd abandons the *Quedagh Merchant* at Hispaniola.
,,	June 13.	Kidd reaches Oyster Bay and sends Emmot to Bellomont.
,,	July 2.	Kidd reaches Boston.
,,	July 3.	Kidd's first appearance before Bellomont and the Council.
,,	July 6.	Arrest of Kidd.
1700.	Mar. 16.	House of Commons resolves Kidd not to be tried until next Session of Parliament.
,,	April 12.	Kidd arrives as a prisoner in London.
,,	April 14.	Kidd examined before the Board of Admiralty.
1701.	Mar. 27.	Kidd brought before the House of Commons.
,,	Mar. 28.	Kidd again before the Commons. The House resolves that Kidd be tried in the ordinary way.
,,	May 8.	Kidd tried for the murder of William Moore.
,,	May 9.	Kidd tried on five indictments for Piracy.
,,	May 23.	Execution of Kidd at Execution Dock.

PRELIMINARY PROCEEDINGS

At the Sessions opened at the Old Bailey on 8th May, 1701, by Sir Salathiel Lovell, Recorder of London.

The following Crown Counsel were present:—

The Solicitor-General (Sir John Hawles).

Dr. Newton (Chief Advocate to the Admiralty).

Mr. Coniers.

Mr. Knapp.

Mr. Cowper.

The following Counsel were in Court upon the instructions of Captain William Kidd:—

Dr. Oldish.

Mr. Lemmon.

PRELIMINARY PROCEEDINGS.

8th May, 1701.

The King's Commision for holding the Court being first read, they proceeded to call the gentlemen summoned upon the grand jury, and the persons sworn were the seventeen following, viz. :—William Broughton, Thomas Hanwell, Daniel Borwell, Humphry Bellamy, Nathaniel Rolston, sen., Joshua Bolton, Benjamin Pike, Joseph Marlow, Benjamin Travis, Stephen Thompson, Thomas Cooper, Robert Gower, Robert Clement, Thomas Sesson, William Goodwin, Robert Callow, Thomas Haws.

The Clerk of Arraigns—Gentlemen of the grand jury, stand together and hear the charge—

"The King's Majesty commands all justices of the High Court of Admiralty, that have any authority to take any inquisitions, recognisances, examinations, or informations of offences committed within the jurisdiction of the Admiralty of England, to deliver the records of the same into this Court, &c. And all others are commanded to keep silence, upon pain of imprisonment."

Then Dr. Oxenden, the Clerk of the Court, gave the charge to the grand jury, explaining the nature of the commission, and the crimes inquirable by virtue of it by the grand jury. The grand jury then withdrew, and after some time returned into Court, and found the bill of indictment against Captain Kidd for murder, and another against him and Nicholas Churchill, James Howe, Robert Lamley, William Jenkins, Gabriel Loffe, Hugh Parrot, Richard Barlicorn, Abel Owens, and Darby Mullins, for piracy. Then proclamation as usual being made, the accused were brought to the bar, and arraigned.

The Clerk of Arraigns—William Kidd, hold up thy hand.

Captain Kidd—May it please your lordships, I desire you to permit me to have counsel.

The Recorder (Sir Salathiel Lovell)—What would you have counsel for?

Captain Kidd.

Captain KIDD—My lord, I have some matter of law relating to the indictment, and I desire counsel to speak to it.

The CLERK OF THE COURT—What matter of law can you have?

The CLERK OF ARRAIGNS—How does he know what it is he is charged with? I have not told him.

Sir SALATHIEL LOVELL—You must let the Court know what those matters of law are before you can have counsel assigned you.

Captain KIDD—They be matters of law, my lord.

Sir SALATHIEL LOVELL—Captain Kidd, do you know what you mean by matters of law?

Captain KIDD—I know what I mean; I desire to put off my trial as long as I can till I can get my evidence ready.

Sir SALATHIEL LOVELL—William Kidd, you had best mention the matter of law you would insist upon.

The CLERK OF THE COURT—It cannot be matter of law to put off your trial, but matter of fact.

Captain KIDD—I desire your lordship's favour; I desire that Dr. Oldish and Mr. Lemmon may be heard regarding my case.

The CLERK OF ARRAIGNS—What can he have counsel for before he has pleaded?

Sir SALATHIEL LOVELL—William Kidd, the Court tells you that what you have to say shall be heard when you have pleaded to your indictment. If you plead to it, you may, if you will, assign matter of law, if you have any; but then you must let the Court know what you would insist on.

Captain KIDD—I beg your lordship's patience till I can procure my papers. I had a couple of French passes, which I must make use of in order to my justification.

Sir SALATHIEL LOVELL—That is not matter of law. You have had long notice of your trial, and might have prepared for it. How long have you had notice of your trial?

Captain KIDD—A matter of a fortnight.

The CLERK OF THE COURT—Can you tell the names of any persons that you would make use of in your defence?

Captain KIDD—I sent for them, but I could not have them.

The CLERK OF THE COURT—Where were they then?

Captain KIDD—I brought them to my Lord Bellomont in New England.

Sir SALATHIEL LOVELL—You cannot tell their names without book. The Court sees no reason to put off your trial, therefore you must plead.

The CLERK OF ARRAIGNS—William Kidd, hold up thy hand.

Captain KIDD—I beg your lordships I may have counsel admitted, and that my trial may be put off; I am not really prepared for it.

Sir SALATHIEL LOVELL—Nor never will, if you can help it.

The CLERK OF THE COURT—You have had reasonable notice, and you knew you must be tried, and therefore you cannot plead you are not ready.

Captain KIDD—If your lordships permit those papers to be read, they will justify me. I desire my counsel may be heard.

Mr. CONIERS—We admit of no counsel for him.

Sir SALATHIEL LOVELL—There is no issue joined, and therefore there can be no counsel assigned. You must plead.

Captain KIDD—I cannot plead until I have those papers that I insisted upon.

Mr. LEMMON—He ought to have his papers delivered to him, because they are very material for his defence. He has endeavoured to have them, but could not get them.

Mr. CONIERS—You are not to appear for any one till he pleads, and that the Court assigns you for his counsel.

Sir SALATHIEL LOVELL—They would only put off the trial.

Mr. CONIERS—He must plead to the indictment.

The CLERK OF ARRAIGNS—Make silence.

Captain KIDD—My papers were all seized, and I cannot make my defence without them. I desire my trial may be put off till I can have them.

Sir SALATHIEL LOVELL—The Court is of opinion that they ought not to stay for all your evidence; it may be they will never come. You must plead, and then, if you can satisfy the Court that there is a reason to put off your trial, you may.

Captain KIDD—My lord, I have business in law, and I desire counsel.

Sir SALATHIEL LOVELL—The course of Courts is that when

you have pleaded, the matter of trial is next; if you can then show there is cause to put off your trial, you may; but now the matter is to plead.

Captain KIDD—It is a hard case when all these things shall be kept from me, and I be forced to plead.

Sir SALATHIEL LOVELL—If he will not plead, there must be judgment.

Captain KIDD—My lord, would you have me plead, and not to have my vindication by me?

The CLERK OF ARRAIGNS—Will you plead to the indictment?

Captain KIDD—I would beg that I may have my papers for my vindication.

The CLERK OF ARRAIGNS—William Kidd, art thou guilty or not guilty of the felony whereof thou standest indicted?

Captain KIDD—I cannot plead to this indictment till my French passes are delivered to me.

The CLERK OF ARRAIGNS—Are you guilty or not guilty?

Captain KIDD—My lord, I insist upon my French papers; pray let me have them.

Sir SALATHIEL LOVELL—That must not be now, till you have put yourself upon your trial.

Captain KIDD—That must justify me.

Sir SALATHIEL LOVELL—You may plead it then, if the Court sees cause.

Captain KIDD—My justification depends on them.

Sir SALATHIEL LOVELL—I must tell you that if you will not plead, you must have judgment against you, as standing mute.

Captain KIDD—I cannot plead till I have these papers; and I have not my witnesses here.

Sir SALATHIEL LOVELL—You do not know your own interest; if you will not plead you must have judgment against you.

Captain KIDD—If I plead I shall be accessory to my own death, till I have persons to plead for me.

Sir SALATHIEL LOVELL—You are accessory to your own death if you do not plead. We cannot enter into the evidence unless you plead.

The CLERK OF ARRAIGNS—Are you guilty or not guilty?

Sir Salathiel Lovell—He does not understand the law; you must read the statute to him.

The Clerk of Arraigns—William Kidd, are you guilty of this piracy or not guilty?

Captain Kidd—If you will give me a little time to find my papers I will plead.

The Clerk of Arraigns—There is no reason to give you time; will you plead or not?

Mr. Coniers—Be pleased to acquaint him with the danger he stands in by not pleading. Whatever he says, nothing can avail him till he pleads.

Sir Salathiel Lovell—He has been told so, but does not believe us.

Mr. Coniers—If there be any reason to put off his trial, it must be made to appear after issue is joined.

Sir Salathiel Lovell—If you say guilty, there is an end to it; but if you say not guilty, the Court can examine into the fact.

The Clerk of Arraigns—William Kidd, art thou guilty or not guilty?

Captain Kidd—Not guilty.

The Clerk of Arraigns—How wilt thou be tried?

Captain Kidd—By God and by my country.

The Clerk of Arraigns—God send thee a good deliverance.

Captain Kidd—My lord, I beg I may have my trial put off for three or four days till I have got my papers.

Sir Salathiel Lovell—The judges will be here by and by, and you may move the Court then; we are only to prepare for your trial. We do not deny your motion; but when the Court is full they will consider of the reasons you have to offer.

[The judges having taken their seats, Kidd reappeared in the dock. The judges were Lord Chief Baron Ward, Baron Hatsell, Mr. Justice Turton, Mr. Justice Gould, and Mr. Justice Powell.]

The Clerk of Arraigns—William Kidd, hold up thy hand. Thou standest indicted in the name of William Kidd, late of London, mariner. The jurors of our Sovereign Lord

the King do, upon their oath, present: That William Kidd, late of London, mariner, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, on the thirtieth day of October, in the ninth year of the reign of our Sovereign Lord, William the Third, by the grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, and so forth, by force and arms, upon the high seas, near the coast of Malabar, in the East Indies, and within the jurisdiction of the Admiralty of England, in a certain ship, called the *Adventure Galley* (whereof the said William Kidd then was commander), then and there being, feloniously, voluntarily, and of his malice aforethought, then and there did make an assault in and upon one William Moore, in the peace of God and of our said Sovereign Lord the King, to wit, then and there being, and to the ship aforesaid, called the *Adventure Galley*, then and there belonging; and that the aforesaid William Kidd, with a certain wooden bucket, bound with iron hoops, of the value of eight pence, which he the said William Kidd then and there had and held in his right hand, did violently, feloniously, voluntarily, and of his malice aforethought, beat and strike the aforesaid William Moore in and upon the right part of the head of him the said William Moore, a little above the right ear of the said William Moore, then and there upon the high sea, in the ship aforesaid, and within the jurisdiction of the Admiralty of England aforesaid, giving the said William Moore, then and there with the bucket aforesaid, in and upon the aforesaid right part of the head of him, the said William Moore, a little above the right ear of the said William Moore, one mortal bruise; of which mortal bruise the aforesaid William Moore, from the said thirtieth day of October, in the ninth year aforesaid, until the one and thirtieth day of the said month of October, in the year aforesaid, upon the high seas aforesaid, in the ship aforesaid, and within the jurisdiction of the Admiralty aforesaid, did languish, and languishing did live; upon which one and thirtieth day of October, in the ninth year aforesaid, the aforesaid William Moore, upon the high sea aforesaid, near the aforesaid coast of Malabar, in the East Indies aforesaid, in the ship aforesaid, called the

Adventure Galley, and within the jurisdiction of the Admiralty of England aforesaid, did die; and so the jurors aforesaid, upon their oath aforesaid, do say, that the aforesaid William Kidd feloniously, voluntarily, and of his malice aforethought, did kill and murder the aforesaid William Moore upon the high sea aforesaid, and within the jurisdiction of the Admiralty of England aforesaid, in manner and form aforesaid, against the peace of our said Sovereign Lord the King, his Crown and dignity.

How sayst thou, William Kidd, art thou guilty of this murder whereof thou standest indicted, or not guilty?

Captain KIDD—Not guilty.

The CLERK OF ARRAIGNS—How wilt thou be tried?

Captain KIDD—By God and by my country.

The CLERK OF ARRAIGNS—God send thee a good deliverance.

Captain KIDD—My lord, I desire counsel be assigned me.

Sir SALATHIEL LOVELL—Captain Kidd, I told you it would be your time, when the jury was called, to offer what you had to offer; therefore, if you have anything now to say to the Court, you had best say it.

Captain KIDD—I beg I may have counsel, Dr. Oldish and Mr. Lemmon, that they may be heard on my behalf.

Mr. Justice POWELL—If he desires it, you may be counsel for him, provided there be any matter of law that he has to plead; otherwise he must be tried.

Dr. OLDISH—My lord, he moves that his trial for piracy be put off for several reasons; one is, there is one Davis that is a necessary witness for him; he was taken a passenger into the ship, and therefore could not be concerned in any piracy. Now, this Davis stands indicted, so that he is deprived of this person, who is a necessary witness for him in this case.

Mr. CONIERS—He is not indicted yet; he may call him if he thinks fit.

Mr. Justice POWELL—If he be indicted, yet he may be a witness.

Dr. OLDISH—My lord, we desire he may be here.

Mr. Justice POWELL—Where is he?

The CLERK OF ARRAIGNS—He is in Newgate.

Mr. Justice Powell—Let him be sent for.

Dr. Oldish—My lord, it is very fit his trial should be delayed for some time, because he wants some papers very necessary for his defence. It is very true, he is charged with piracies in several ships; but they had French passes when the seizure was made. Now, if there were French passes, it was a lawful seizure.

Mr. Justice Powell—Have you those passes?

Captain Kidd—They were taken from me by Lord Bellomont; and these passes would be my defence.

The Clerk of Court—Had you any other passes when you took the Armenian ship?

Dr. Oldish—If those ships that he took had French passes, there was just cause of seizure, and it will excuse him from piracy.

Captain Kidd—The passes were seized by my Lord Bellomont; that we will prove as clear as the day.

Mr. Lemmon—My lord, I desire one word as to this circumstance; he was doing his King and country service, instead of being a pirate; for in this very ship there was a French pass, and it was shown to Mr. Davis, and carried to my Lord Bellomont, and he made a seizure of it. And there was a letter writ to testify it, which was produced before the Parliament; and that letter has been transmitted from hand to hand, so that we cannot at present come by it. There are several other letters and papers that we cannot get; and therefore we desire the trial may be put off till we can procure them.

The Lord Chief Baron—Where are they?

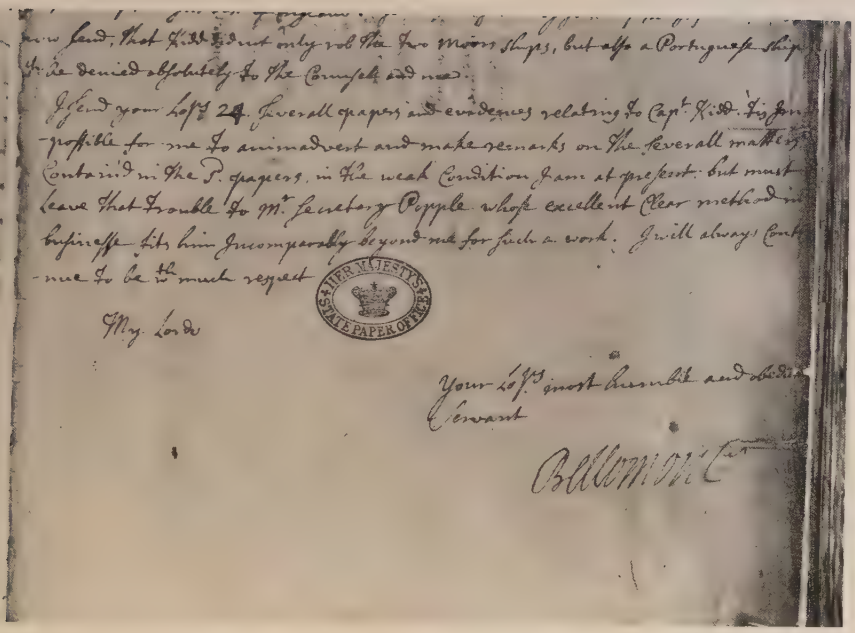
Mr. Lemmon—We cannot yet tell whether they are in the Admiralty Office, or whether Mr. Jodrell has them.

The Lord Chief Baron—Let us see on what you go. You talk of French passes; you should have been prepared to make affidavit of it. What ship was that which had the French passes?

Mr. Lemmon—The same we were in, the same he is indicted for.

Mr. Justice Powell—Make out this, Mr. Lemmon.

Mr. Lemmon—My lord, we desire Mr. Davis may be sent for; he will prove it.



Concluding paragraph of letter from Lord Bellomont (signed by him) to the Lords Justices announcing Kidd's arrest

The Lord Chief Baron—Send for Edward Davis. Bring him into Court.

The Solicitor-General—They have had a fortnight's notice to prepare for the trial.

Dr. Oldish—We petitioned for money, and the Court ordered £50; but the person that received it went away, and we had none till last night.

The Clerk of the Court—I ordered that the money might be paid into his own hands that he might be sure to have it.

Mr. Crawley (registrar)—I paid the £50 into his own hands on Tuesday morning.

The Lord Chief Baron—You ought to make it out that there is a reasonable cause to put off the trial, or else it cannot be allowed.

Mr. Lemmon—My lord, we will be ready to-morrow morning.

The Lord Chief Baron—They ought to have had due notice. What notice have they had?

The Solicitor-General—A fortnight's notice, this day fortnight.

Dr. Oldish—My lord, he should have had this money delivered to him.

Captain Kidd—I had no money nor friends to prepare for my trial till last night.

The Lord Chief Baron—Why did you not signify so much to the King's officers?

The Solicitor-General—My lord, this we will do; let Davis be brought into Court, and if that be a just excuse we are contented. In the meantime, let him be tried for the murder, wherein there is no pretence of want of witnesses or papers.

FIRST TRIAL.

THE TRIAL

OF

CAPTAIN WILLIAM KIDD

at the Old Bailey, 8th May, 1701,

for the Murder of William Moore upon the High Seas.

Judges—

Lord Chief Baron WARD.
Baron HATSELL.
Mr. Justice TURTON.
Mr. Justice GOULD.
Mr. Justice POWELL.

Counsel for the Crown—

The SOLICITOR-GENERAL (Sir John Hawles).
Mr. CONIERS.
Mr. KNAPP.
Mr. COWPER.

The prisoner was not represented by counsel.

FIRST TRIAL.

8th May, 1701.

The Clerk of Arraigns—William Kidd, you are now to be tried on the bill of murder; the jury is now going to be sworn. If you have any cause of exception, you may speak to them as they come to the book.

Captain Kidd—I shall challenge none; I know nothing to the contrary but that they are honest men.

[The jury—Nathaniel Long, John Ewers, John Child, Edward Reeves, Thomas Clerk, Nathaniel Green, Henry Sherbrook, Henry Dry, Richard Greenaway, John Sherbrook, Thomas Emms, Roger Mott—were then sworn.]

The Clerk of Arraigns—William Kidd, hold up thy hand. You, gentlemen of the jury, look upon the prisoner, and hearken to his cause. He stands indicted by the name of William Kidd, &c., as before in the indictment. Upon this indictment he has been arraigned, and thereunto has pleaded not guilty, and for his trial has put himself on God and his country, which country you are. Your charge is to inquire whether he be guilty of the murder whereof he stands indicted, in manner and form as he stands indicted, or not guilty, &c.

Opening Speeches for the Crown.

Mr. Knapp—My lord, and you gentlemen of the jury, this is an indictment of murder. The indictment sets forth: "That William Kidd, on the 30th of October, on the high sea, on the coast of Malabar, did assault one William Moore, on board a ship called the *Adventure*, whereof William Kidd was captain, struck him with a wooden bucket, hooped with iron, on the side of the head near the right ear, and that of this bruise he died the next day, and so that he has murdered the same person." To this indictment he pleaded not guilty; if we prove him guilty, you must find him so.

The Solicitor-General

The Solicitor-General—My lord, and gentlemen of the jury, we will prove this as particular as can be, that William Kidd was captain of the ship, and that William Moore was under him in the ship, and without any provocation he gave him this blow whereof he died.

Mr. Coniers—My lord, it will appear to be a most barbarous fact, to murder a man in this manner; for the man gave him no manner of provocation. This William Moore was a gunner in the ship, and this William Kidd abused him, and called him a "lousy dog"; and upon a civil answer he took this bucket and knocked him on the head, whereof he died the next day. Call Joseph Palmer and Robert Bradinham. Joseph Palmer, give my lord and the jury an account of what you saw done by William Kidd, on the coast of Malabar, as to William Moore, his gunner.

Evidence for the Prosecution.

Joseph Palmer, examined by Mr. Coniers—About a fortnight before this accident fell out Captain Kidd met with a ship on that coast which was called the *Loyal Captain*. And about a fortnight after this the gunner, William Moore, was grinding a chisel aboard the *Adventure*, on the high sea near the coast of Malabar, in the East Indies, when Captain Kidd came on the deck and walked by this Moore; and when he came to him he said, "Which way could you have put me in a way to take this ship, and been clear?" "Sir," replied William Moore, "I never spoke such a word, nor ever thought such a thing." Upon which Captain Kidd called him a "lousy dog." Then William Moore said, "If I am a lousy dog, you have made me so; you have brought me to ruin, and many more." Upon his saying this, Captain Kidd cried, "Have I ruined you, ye dog?" and took a bucket bound with iron hoops, and struck him on the right side of the head, of which he died the next day. At the time when Moore was struck by Captain Kidd he was grinding a chisel. Moore was not struck immediately after he had answered Captain Kidd, but after the latter had paced up and down deck once or twice. The deceased was let down into the gun-room. Moore said, "Farewell, farewell, Captain

Kidd has given me my last." And Captain Kidd stood only seven or eight feet away, and said, "You're a villain." Moore appeared to be in perfect health before he received the blow, but afterwards he complained.

After Moore was dead the surgeon was called to open his head; and Captain Kidd said, "You are damn'd busy without orders." I felt on his head, and I felt something give way, and about the wound there was a bruise, but there was not much blood. The head was bruised on the right side; the bruise was of considerable breadth, and in one place I could feel the skull give way. Moore died on the day after he received the blow.

Cross-examined by Captain KIDD—What was this Moore doing when this thing happened?—He was grinding a chisel.

What was the occasion that I struck him?—The words that I told you before.

Was there any other ship?—Yes, a Dutch ship.

What were you doing with the ship?—She was becalmed.

This ship was a league from us, and some of the men would have taken her, and I would not consent to it, and this Moore said, I always hindered them making their fortunes. Was not that the reason I struck him? Was there a mutiny on board?—No; you chased this Dutchman, and in the way took a Malabar boat, and chased this ship all the whole night; and they showed their colours, and you put up your colours.

This is nothing to the point; was there no mutiny aboard?—There was no mutiny; all was quiet.

Was there not a mutiny, because they would go and take that Dutchman?—No, none at all.

By a JURYMAN—What was the cause that he struck him?—A fortnight before this was done we met with the *Loyal Captain*, of which Captain Hoar was commander, and he came on board Captain Kidd's ship, and Captain Kidd went on board his, and then Captain Kidd let this ship go.

By Mr. Justice POWELL—Captain Kidd was aboard that ship, and there were eight or nine men that had muskets and other arms, and they were for taking the ship, but Captain Kidd was against it, and so it was not done.

Captain KIDD—My lord, I was in the cabin, and, hearing

a noise, I came out; and William Moore said, "You ruin us, because you will not consent to take Captain Hoar's ship." Says a Dutchman, "I will put Captain Kidd in a way to take this ship, and come off fairly."

The Lord Chief Baron—You may ask him any questions you have a mind to, but you must reserve what you have to say for yourself till you come to make your defence.

Re-examined by the Solicitor-General—Do you know of any other provocation to strike him besides those words?—No.

Robert Bradinham, examined by Mr. Coniers—I was surgeon of the *Adventure Galley*, whereof Captain Kidd was master. I was not present when the blow was struck, but I was sent for afterwards. I asked him how he did, and he said, "I am a dead man; Captain Kidd has given me my last blow." I was by the gun-room, and Captain Kidd was walking there, and I heard Moore say, "Farewell, farewell, Captain Kidd has given me my last blow." Captain Kidd, when he heard it, said, "Damn him, he is a villain." This was by way of answer to what Moore had said. Moore died the next day. The wound was small, but the skull was fractured. I believe that he died of the wound. Some time after this, about two months, by the coast of Malabar, Captain Kidd said, "I do not care so much for the death of my gunner, as for other passages of my voyage; for I have good friends in England that will bring me off for that."

Cross-examined by Captain Kidd—I ask you whether you knew of any difference between this gunner and me before this happened?—I knew of no difference between you at all.

Mr. Coniers—My lord, we have done for the King.

The Lord Chief Baron—Then you may make your defence. You are charged with murder, and you have heard the evidence that has been given; what have you to say for yourself?

Captain Kidd—I have evidence to prove it is no such thing, if they may be admitted to come hither. My lord, I will tell you what the case was: I was coming up within a league of the Dutchman, and some of my men were making a mutiny about taking her, and my gunner told the people

he could put the captain in a way to take the ship, and be safe. Says I, "How will you do that?" The gunner answered: "We will get the captain and men aboard." "And what then?" "We will go aboard the ship, and plunder her, and we will have it under their hands that we did not take her." Says I, "This is Judas like; I dare not do such a thing." Says he, "We may do it, we are beggars already." "Why," says I, "may we take this ship because we are poor?" Upon that a mutiny arose; so I took up a bucket, and just throwed it at him, and said, "You are a rogue to make such a motion." This I can prove, my lord.

The Lord Chief Baron—Captain Kidd, call your evidence.

Mr. Cowper—I desire first to recall Joseph Palmer.

Joseph Palmer, recalled and re-examined by Mr. Cowper—Was there any mutiny in the ship when this man was killed?—No.

Did he throw the bucket at him or strike him with it?—He held it by the strap in his hand and struck him.

The Lord Chief Baron—Captain Kidd, call what evidence you will.

Captain Kidd—They are prisoners, but I desire that they may be called.

The Lord Chief Baron—Whatever other crimes they may be guilty of, they may be witnesses for him in this case.

Evidence for the Defence.

Abel Owens, examined by Captain Kidd—I was in the cook-room, and, hearing some difference on the deck, I came out, and the gunner was grinding a chisel on the grindstone, and the captain and he had some words, the gunner saying to the captain, "You have brought us to ruin, and we are desolate." And, says he, "Have I brought you to ruin? I have not brought you to ruin, I have not done an ill thing to ruin you; you are a saucy fellow to give me these words." And then he took up the bucket, and did give him the blow.

Was there not a mutiny among the men?—Yes, and the bigger part was for taking the ship; and the captain said, "You that will take the Dutchman, you are the strongest,

you may do what you please. If you will take her, you may take her; but if you go from aboard, you shall never come aboard again."

By the Lord Chief Baron—This mutiny occurred about a month before Moore's death.

By Mr. Justice Powell—At this time when the blow was given, did Moore, the gunner, endeavour to make any mutiny?—No.

Examination continued—Did not he say he could put me in a way to take the Dutchman, and be clear?—I know there were several of them would have done it, but you would not give consent to it.

By a Juryman—Did he throw the bucket, or strike him with it?—He took it with the strap, and struck him with it.

Examination continued—Did not I throw it at him?—No; I was near you when you did it.

Cross-examined by Mr. Coniers.—I saw the stroke given.

Richard Barlicorn, examined by Captain Kidd—At first, when Captain Kidd met with the ship, there was a mutiny, and two or three of the Dutchmen came aboard; and some said she was a rich vessel, and they would take her. The captain said, "No, I will not take her." And there was a mutiny in the ship, and the men said, "If you will not, we will." And he said, "If you have a mind you may; but they that will not, come along with me." William Moore was one of the men who was for taking her. This happened about three weeks or a month before Moore died. The captain said that if they took the *Loyal Captain* they would never come aboard again. I did not know of any quarrel between the captain and Moore before this accident. When Moore died they were talking of a mutiny in the ship. There was a Dutchman close by us when this blow was given.

By Mr. Justice Powell—Did Moore endeavour to make any mutiny at that time?—The ship was gone at that time.

How long had she been gone?—About a week.

Was there any mutiny about the Dutch ship you saw?—The Dutch ship? Not that I know of; but there was a mutiny aboard the *Loyal Captain.*

Evidence for Defence.

Examination continued—Do you not know of another mutiny?—No.

At that very time they were going to make a mutiny. What discourse had I with Moore at that time?—I was aboard our ship, but did not see the blow given.

They were saying they would take her, and he said he could put me in a way to take her, without coming to any harm?—There were many of the men would have gone with arms, and taken that ship without your consent.

By the Lord Chief Baron—At that time, when this Moore was killed, was there any mutiny?—No.

When was it that Moore said they might have taken this ship?—At the same time when the ship was in company with us.

That was a week or a fortnight before?—No, sir, the *Loyal Captain* was within sight of us.

What? When Moore was killed?—No, not then. William Moore lay sick a great while before this blow was given, and the doctor said, when he visited him, that this blow was not the cause of his death.

The Lord Chief Baron—Then they must be confronted.

Robert Bradinham, recalled and re-examined by the Solicitor-General—I saw Barlicorn aboard the ship. I never said that the blow which Moore received from Captain Kidd was not the cause of his death. Moore was not sick at all before he received the blow.

Richard Barlicorn (*examination continued*)—Was this a heavy blow?—No. He was sick some time before, and this blow did but just touch him; and the doctor said he did not die on the occasion of this blow.

Cross-examined by the Solicitor-General—You say he did but just touch him: were you present when the blow was given?—No; but I saw him after he was dead, and I was by when the doctor said he did not die of that blow.

What did he die of?—I cannot tell, he had been sick before; we had many sick men aboard.

How long did he lie after this blow before he died?—I cannot tell justly how long it was.

By the Lord Chief Baron—How long do you think? You

took notice of the blow: how long did he live after that?—I believe about a week.

And the two witnesses swore he died the next day?—I cannot tell justly how long he lived afterwards.

By a JURYMAN—We desire to know whether he knew what was the occasion of this blow?—All the reason I can give is because it was thought he was going to breed a mutiny in the vessel.

Re-examined by Captain KIDD—Was Bradinham in the mutiny? Declare that?—If anything was to be, he was as forward as any one.

By the LORD CHIEF BARON—You say he was as forward as any; but it does not appear any one made a mutiny at this time?—I do not know, sir.

HUGH PARROT, examined by Captain KIDD—I ask you whether Bradinham was in a mutiny in my ship?—I cannot say whether he was or no.

The LORD CHIEF BARON—Captain Kidd, you are tried for the death of this Moore. Now, why do you ask this question? What do you infer from hence? You will not infer that if he was a mutineer it was lawful for you to kill Moore.

Examination continued—I believe that Captain Kidd struck Moore because the captain did not take the *Loyal Captain*, whereof Captain Hoar was commander. According to the best of my knowledge, this is what happened. My commander fortuned to come up with this Captain Hoar's ship, and some were for taking her, and some not; and afterwards there was a little sort of mutiny, and some rose in arms, the greatest part, and they said they would take this ship. The commander was not for it, so they resolved to go away in a boat and take her. Captain Kidd said, "If you desert my ship you shall never come aboard again, and I will force you into Bombay, and I will carry you before some of the council there," insomuch as my commander stilled them again, and they remained on board. About a fortnight afterwards there passed some words between this William Moore and my commander; and then says he, "Captain, I could have put you in a way to have taken this ship and

been never the worse for it." He says, "Would you have me take this ship? I cannot answer it, they are our friends." My commander was in a passion; and with that I went off the deck, and I understood afterwards the blow was given, but how I cannot tell.

Mr. Justice Powell—Captain Kidd, have you any more to ask him; or have you any more witnesses to call?

Captain Kidd—I could call all of them to testify the same thing; but I will not trouble you to call any more.

The Lord Chief Baron—Have you any more to say for yourself?

Captain Kidd—I have no more to say, but I had all the provocation in the world given me; I had no design to kill him. I had no malice or spleen against him.

The Lord Chief Baron—That must be left to the jury to consider the evidence that has been given; you make out no such matter.

A Juryman—My lord, I desire the prisoner may give an account, whether he did do anything in order to his cure.

The Lord Chief Baron—He is to be tried according to law. The King's evidence hath been heard, and he has the liberty to produce what evidence he can for himself: will you put him to produce more evidence than he can? If he has any more to say it will be his interest to say what he can; the Court is willing to hear him as long as he hath anything to offer for himself, either upon that account, or anything else.

Captain Kidd—It was not designedly done, but in my passion, for which I am heartily sorry.

Charge to the Jury.

The Lord Chief Baron—Gentlemen of the jury, the prisoner at the bar, William Kidd, is indicted for the murder of William Moore, and, whether he be guilty of this murder or not guilty, it is your part to determine on the evidence that has been given. The fact charged against him is this: that the prisoner at the bar, William Kidd, being the commander of the ship called the *Adventure Galley*, and the deceased William Moore, the gunner in that ship;

The Lord Chief Baron

that upon the high sea, near the coast of Malabar, in the East Indies, and within the jurisdiction of the Admiralty of England, in October, in the 9th year of His Majesty's reign, 1697, the prisoner, William Kidd, out of his malice aforethought, did strike the deceased William Moore with a bucket hooped with iron on the right side of the head, and that the blow was the occasion of the death of the said William Moore; that this was done on the 30th of October, and that his death ensued on the 31st of October, being the next day. This is the fact charged upon him.

Now, you have heard the evidence that has been given on the King's part, and you will weigh it well. You hear the first witness that has been produced on behalf of the King—Joseph Palmer. He tells you he was present on board this ship at the time when the blow was given; and he says there had been some discourse between the prisoner, William Kidd, and the deceased Moore concerning taking a ship that was called the *Loyal Captain*; and that Captain Kidd said to him, "How could you have put me in a way to take that ship, and be clear?" "No," says Moore, "I said no such thing." The reply Captain Kidd made to him was, "You are a lousy dog." The answer of the deceased was this, "If I am so, you have made me so; you have ruined me and a great many others." With that, says Captain Kidd, "Have I ruined you, you dog?" And up he took a bucket, hooped with iron, and gave him a blow on the right side of his head. And thereupon Moore complained and said, "You have given me my last blow." Then Moore went down below deck, and he saw him no more till the next day, when he was dead; and the witness felt Moore's head, and perceived a bruise in one part of it as broad as a shilling, and he felt the skull was broke. He does take on him to say that he believes that blow was the occasion of death. Being asked whether he knew in what state of health he was before, he says he was in a healthy condition; he was grinding a chisel at that time when the blow was given; and that blow he believes was the occasion of his death. Being asked whether he heard any other words, or saw or knew anything that could be any cause of provocation, he says he knew no more than the reply of the party deceased: "If I am a lousy dog, you

have made me so, and have been my ruin"; and then, having taken two or three turns upon the deck, Captain Kidd gave him the blow. Moore then went down the deck and used these words, "You have given me my last blow," or to that effect.

Gentlemen, you have heard the surgeon also, Robert Bradinham. He tells you he did not see the blow given, but he was sent for after, and the deceased said that Captain Kidd had given him his last blow. Thereupon he did examine him as a surgeon, and does believe that blow on the head was the occasion of his death; and he did observe it as well as he could.

A Juryman—My lord, I think Bradinham said he was not then by when the prisoner gave the blow.

The Lord Chief Baron—I did not say he was; he says he was sent for after the blow; and when he came the deceased said he gave it him, and what would be the consequence.

Now, these two being cross-examined by the prisoner, William Kidd, whether they did not know of some mutiny in the ship, that might be the occasion of his giving this blow; they have told both their stories of what discourse there was of taking this ship, the *Loyal Captain*, and of what design there was upon the Dutch ship after. Now the first of these was a fortnight before this happened, and the other a week; so that there was then no occasion of mutiny, nor do they know of any mutiny at that time.

The prisoner has produced for himself three witnesses. The first that he calls is Abel Owens; and this witness has not in his testimony made for the prisoner, but in effect confirmed what the other witnesses for the King said; for he tells you he was by when the blow was given, and gives you an account how this thing was: there was, he says, some discourse between them, much what to the effect aforesaid, both as to what Captain Kidd said to Moore and what Moore replied; and that Captain Kidd should say to Moore, "You are a saucy fellow," or to that purpose; and Moore said, "You have ruined me, and a great many others." With that the prisoner took up the bucket and struck him with it. And he, being asked if there were any provocation or occasion why this blow was given, and whether there was any

The Lord Chief Baron

mutiny at that time, as he pretended, he says he knew of none, only he speaks of one about a month before.

They have called two other witnesses: one is Richard Barlicorn, who is the prisoner's servant. Though he be his servant, yet the law allows him to be a witness for him, and the credit of his testimony is left to you. Now, what has he said? He has told you somewhat different stories. He thinks there was a mutiny in the ship. And, being asked about what time, he thinks it was about a month or three weeks before; and, upon further examination, saith, there was no mutiny when Moore was killed. He is willing to say what he can for his master, and believes Captain Kidd did not design to do any harm to that man; for he heard the surgeon say that blow was not the occasion of his death. Now, in contradiction to that, Bradinham, the surgeon, says he never did say so, but believes that this blow was the occasion of his death. You have heard what objections the young man's testimony is liable to, and you will consider his whole evidence.

The last witness the prisoner has called is Hugh Parrot. He says there was something of these words, and that the deceased did say he could have put the captain in a way to have taken the ship; and hereupon words arose, and the captain was in a passion; that then he went away, and understood afterwards the blow was given, but how he could not tell.

This being matter of fact, the prisoner is indicted upon it for murder. Now, to make the killing of a man to be murder there must be malice prepense, either expressed or implied: the law implies malice when one man, without any reasonable cause or provocation, kills another. You have had this fact opened to you. What mutiny or discourse might be a fortnight or month before will not be any reason or cause for so long a continuance of a passion. But what did arise at that time the witnesses tell you. The first witness tells you that the first words that were spoken were by Captain Kidd; and upon his answer Captain Kidd calls him "lousy dog." The reply was, "If I am so, you have made me so; you have ruined me, and a great many more." I leave it to you to consider whether that could be a reason-

able occasion or provocation for him to take a bucket and knock him on the head and kill him. You have heard the witnesses have made it out that he was a healthy man, and they are of opinion that the blow was the occasion of his death. Now for the prisoner, on such a saying, and without any other provocation, to take a bucket and knock the deceased on the head and kill him, must be esteemed an unjustifiable act; for, as I said, if one man kill another without provocation or reasonable cause, the law presumes and implies malice; and then such killing will be murder, in the sense of the law, as being done out of malice prepense. If there be a sudden falling out and fighting, and one is killed in heat of blood, then our law calls it manslaughter; but in such a case as this, that happens on slight words, the prisoner called the deceased a "lousy dog"; and the deceased said, "If I be so, you have made me so." Can this be a reasonable cause to kill him? And if you believe them to be no reasonable cause of provocation, and that this blow was given by the prisoner, and was the occasion of Moore's death, as the witnesses allege, I cannot see what distinction can be made, but that the prisoner is guilty of murder.

Indeed, if there had been a mutiny at that time, and he had struck him at the time of the mutiny, there might have been a reasonable cause for him to plead in his defence, and it ought to have been taken into consideration; but it appears that what mutiny there was was a fortnight at least before. Therefore, gentlemen, I must leave it to you. If you believe the King's witnesses, and one of the prisoner's own, that this blow was given by the prisoner in the manner aforesaid, and are satisfied that it was done without reasonable cause or provocation, then he will be guilty of murder; if you do believe him guilty of murder upon this evidence, you must find him so. If not, you must acquit him.

Captain Kidd—My lord, I have witnesses to produce for my reputation.

The Lord Chief Baron—Captain Kidd, we gave you time to make your defence: why did not you produce them? You were asked more than once if you had any more to say, and you said you would call no more witnesses.

Captain Kidd—I can prove what service I have done for the King.

The Lord Chief Baron

The Lord Chief Baron—You should have spoken sooner; but what would that help in this case of murder? You said you had no more to say before I began.

[The jury then retired, returning after an hour.]

The Clerk of the Arraigns—Gentlemen, are you all agreed of your verdict?

Omnes—Yes.

The Clerk of Arraigns—Who shall say for you?

Omnes—Foreman.

The Clerk of the Arraigns—William Kidd, hold up thy hand. Look upon the prisoner. Is he guilty of the murder whereof he stands indicted, or not guilty?

The Foreman—Guilty.

The Clerk of the Arraigns—Look to him, keeper.

SECOND TRIAL.

THE TRIAL
OF
CAPTAIN WILLIAM KIDD,
AND OTHERS,
at the Old Bailey, 9th May, 1701,
for Piracy and Robbery in regard to the
Quedagh Merchant.

Judges—

Lord Chief Baron WARD.
Baron HATSELL.
Mr. Justice TURTON.
Mr. Justice GOULD.
Mr. Justice POWELL.

Counsel for the Crown—

The SOLICITOR-GENERAL (Sir John Hawles).
Dr. NEWTON (Chief Advocate to the Admiralty).
Mr. CONIERS.
Mr. KNAPP.
Mr. COWPER.

Counsel for Churchill, Howe, and Mullins—

Mr. MOXON.

SECOND TRIAL.

9th May, 1701.

William Kidd, Nicholas Churchill, James Howe, Robert Lamley, William Jenkins, Gabriel Loffe, Hugh Parrot, Richard Barlicorn, Abel Owens, and Darby Mullins, for piracy and robbery, on a ship called the *Quedagh Merchant*. 13 William III., A.D. 1701.

"The jurors for our sovereign lord the king do, upon their oath, present, That William Kidd, late of London, mariner; Nicholas Churchill, late of London, mariner; James Howe, late of London, mariner; Robert Lamley, late of London, mariner; William Jenkins, late of London, mariner; Gabriel Loffe, late of London, mariner; Hugh Parrot, late of London, mariner; Richard Barlicorn, late of London, mariner; Abel Owens, late of London, mariner; and Darby Mullins, late of London, mariner; the 30th day of January, in the 9th year of the reign of our sovereign lord, William the Third, by the grace of God, of England, Scotland, France, and Ireland, king, defender of the faith, &c., by force and arms, &c., upon the high seas, in a certain place distant about ten leagues from Cutsheen, in the East Indies, and within the jurisdiction of the Admiralty of England, did piratically and feloniously set upon, board, break, and enter a certain merchant ship, called the *Quedagh Merchant*, then being a ship of certain persons (to the jurors aforesaid unknown); and then and there piratically and feloniously did make an assault in and upon certain mariners (whose names to the jurors aforesaid are unknown) in the same ship, in the peace of God, and of our said now sovereign lord the king, then and there being, piratically and feloniously did put the aforesaid mariners of the same ship, in the ship aforesaid, upon the high sea, in the place aforesaid, distant about ten leagues from Cutsheen aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, piratically and feloniously did steal, take, and carry away the said

merchant ship, called the *Quedagh Merchant*, and the apparel and tackle of the same ship, of the value of £400 of lawful money of England; 70 chests of opium, of the value of £1400 of lawful money of England; 250 bags of sugar, of the value of £100 of lawful money of England; 20 bales of raw silk, of the value of £400 of lawful money of England; 100 bales of callicoes, of the value of £200 of lawful money of England; 200 bales of muslins, of the value of £1000 of lawful money of England; and three bales of romels, of the value of £30 of lawful money of England; the goods and chattels of certain persons (to the jurors aforesaid unknown) then and there, upon the high sea aforesaid, in the aforesaid place, distant about ten leagues from Cutsheen aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, being found in the aforesaid ship, in the custody and possession of the said mariners in the same ship from the said mariners of the said ship, and from their custody and possession, then and there, upon the high sea aforesaid, in the place aforesaid, distant about ten leagues from Cutsheen aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, against the peace of our said now sovereign lord the king, his crown and dignity, &c."

The Clerk of Arraigns—The prisoners at the bar. William Kidd, hold up thy hand. (Which he did, and so of the rest.) You the prisoners at the bar, those men that you shall hear called, and that personally appear, are to pass between our Sovereign Lord the King and you, upon trial of your several lives and deaths. If therefore you, or any of you, will challenge any of them, your time is to speak to them as they come to the book to be sworn, and before they be sworn.

There being no challenges, the twelve that were sworn on the jury were as follows:—John Cooper, John Hall, John James, Peter Parker, Caleb Hook, Robert Rider, Peter Walker, William Hunt, John Micklethwait, Richard Chiswell, Abraham Hickman, George Grove.

The Clerk of Arraigns—Crier, count these.

The Crier—Twelve good men and true, stand together, and hear your evidence.

[Then the usual proclamation for information was made;

and the prisoners being bid to hold up their hands, the Clerk of Arraignments charged the jury with them.]

The Clerk of Arraigns—You of the jury, look upon the prisoners, and harken to their cause. They stand indicted by the names of William Kidd, &c. (as before in the indictment). Upon this indictment they have been arraigned, and thereunto have severally pleaded not guilty; and for their trial put themselves on God and their country, which country you are. Your charge is, to inquire whether they be guilty of the piracy and robbery whereof they stand indicted in manner and form as they stand indicted, or not guilty.

Nicholas Churchill—My lord, I beg your opinion whether I may not plead the King's pardon.

The Lord Chief Baron—Let us see your pretences; you shall have all legal defences and advantages allowed to you.

Churchill—I came in upon His Majesty's proclamation.

The Lord Chief Baron—Have you the King's proclamation? If you have, let us see it.

Churchill—We had notice of it at Guiana; and we delivered up ourselves to Colonel Bass, Governor of East Jersey, and I have it under his hand. I beg your lordship would appoint me counsel to plead my case.

[The paper was shown and read.]

Churchill—I had notice of it at Guiana; I have been two years in custody.

The Lord Chief Baron—How long have you been a prisoner?

Churchill—Almost two years; two years next July.

The Lord Chief Baron—The proclamation (for what you say yourself) does not reach your case.

Howe, Churchill, Mullins—We came in upon the proclamation all the same day.

Mr. Justice Powell—How can you make it appear you surrendered?

Prisoners—Here is an affidavit made of it by the governor's secretary; and there is the gentleman himself, Colonel Bass.

Mr. Justice Powell—You must make it out that you have come in within the conditions of that proclamation, if you have any benefit by it.

The Lord Chief Baron—Let the proclamation be read.

Clerk of Assize—

"By the King, a Proclamation.

"William R.

"Whereas we being informed, by the frequent complaints of our good subjects trading to the East Indies, of several wicked practices committed on those seas, as well upon our own subjects as those of our allies, have therefore thought fit (for the security of the trade of those countries, by an utter extirpation of the pirates in all parts eastward of the Cape of Good Hope, as well beyond Cape Comorin as on this side of it, unless they shall forthwith surrender themselves, as is hereinafter directed) to send out a squadron of men of war, under the command of Captain Thomas Warren. Now we, to the intent that such who have been guilty of any acts of piracy in those seas, may have notice of our most gracious intention of extending our royal mercy to such of them as shall surrender themselves, and to cause the severest punishment according to law to be inflicted upon those who shall continue obstinate, have thought fit, by the advice of our privy council, to issue this proclamation; hereby requiring and commanding all persons who have been guilty of any act of piracy, or any ways aiding or assisting therein, in any place eastward of the Cape of Good Hope, to surrender themselves within the several respective times hereinafter limited, unto the said Captain Thomas Warren, and the Commander in Chief of the squadron for the time being, and to Israel Hayes, Peter Dellanoye, and Christopher Pollard, esquires, commissioners appointed by us for the said expedition, or to any three of them, or, in case of death, to the major part of the survivors of them. And we do hereby declare, that we have been graciously pleased to empower the said Captain Thomas Warren, and the Commander in Chief of the said squadron for the time being, Israel Hayes, Peter Dellanoye, and Christopher Pollard, esquires, commissioners aforesaid, or any three of them, or in case of death, to the major part of the survivors of them, to give assurance of our most gracious pardon unto all such pirates in the East Indies, viz., all eastward of the Cape of Good Hope, who shall surrender themselves for

piracies or robberies committed by them upon the sea or land; except, nevertheless, such as they shall commit in any place whatsoever after notice of our grace and favour hereby declared; and also excepting all such piracies and robberies as shall be committed from the Cape of Good Hope eastward, to the longitude or meridian of Socators, after the last day of April, 1699, and in any place from the longitude or meridian of Socators eastward, to the longitude or meridian of Cape Comorin, after the last day of June, 1699, and in any place whatsoever eastward of Cape Comorin after the last day of July, 1699; and also excepting Henry Every alias Bridgman, and William Kidd.

"Given at our court at Kensington the 8th day of December, 1698, in the 10th year of our reign. God save the King."

Clerk of Assize—There is no day mentioned in this paper when they surrendered themselves.

Mr. Moxon (for Churchill, Howe, and Mullins)—My lord, about the year 1698 there was a special commission given to four persons, and they were to proceed in their voyage to the Indies, and they carried a great number of proclamations, that all the pirates in such and such places should surrender themselves. Now they came to St. Helena with them, and Captain Warren was sent to St. Mary's, and he was to deliver some of these proclamations there, and the commissioner had then the Ambassador to the Great Mogul on board, and this Captain Warren these proclamations. Warren came and delivered the proclamations out, and, among the rest, the prisoner at the bar having notice of this, he went to the Governor, and confessed he had been a pirate, and desired them to take notice that he surrendered himself; and we have the Governor here, to give an account of this matter.

The Lord Chief Baron—The proclamation says they must surrender themselves to such and such persons by name: see if it be so. [Then the proclamation was read again.] Here are several qualifications mentioned; you must bring yourselves under them, if you would have the benefit of it.

Dr. Newton—Let them show that they surrendered themselves to the persons they were to surrender to.

Mr. Moxon—My lord, we will prove we gave notice within the time, by this paper.

The Solicitor-General—There is no time mentioned in it. [The affidavit was read.] "Charles Hally, gent., maketh oath, That in the year 1698, there being notice of his majesty's gracious pardon to such pirates as should surrender themselves, James Howe, Nicholas Churchill, and Darby Mullins, in May, 1699, did surrender themselves to Jeremiah Bass, and he did admit them to bail."

The Lord Chief Baron—There are four commissioners named in the proclamation: there is no Governor mentioned that is to receive them, only those four commissioners.

Mr. Moxon—But, my lord, consider the nature of this proclamation, and what was the design of it; which was, to invite pirates to come in.

Mr. Coniers—We must keep you to the proclamation: here is not enough to put off the trial.

The Lord Chief Baron—If you had brought yourselves within the case of the proclamation, we should be very glad: you that offer it must consider it is a special proclamation, with divers limitations; and if you would have the benefit of it, you must bring yourselves under the conditions of it. Now there are four commissioners named that you ought to surrender to; but you have not surrendered to any one of these, but to Colonel Bass, and there is no such man mentioned in this proclamation.

Opening Speeches for the Crown.

Mr. Knapp—My lord and gentlemen of the jury, the indictment sets forth that the prisoners at the bar, on the 30th of January, in the 9th year of His Majesty's reign, ten leagues distant from Cutsheen (Cochin), on the Malabar coast, did piratically seize and rob a certain ship called the *Quedagh Merchant*, and put the men in fear of their lives; and the said ship, with her apparel, tackle, and goods, did then and there, upon the high seas, take and carry away, against the peace of our Sovereign Lord the King, his Crown and dignity. To this indictment they have

pleaded not guilty; if we prove it upon them, you must find them guilty.

Dr. Newton—My lord and gentlemen, the prisoners at the bar, Captain William Kidd, late Commander of the *Adventure Galley*, and nine other mariners in the same vessel, stand indicted for feloniously and piratically assaulting and taking a ship, called the *Quedagh Merchant*, on the high sea near Cutsheen, in the East Indies, about the 30th of January, in the 9th year of His Majesty's reign. The ship was considerable for its force and bulk, being about 400 tons; and more considerable for its lading, having on board to the value of many thousand pounds.

This Captain Kidd, who thus acted the pirate himself, went from England in April, 1696, with a commission, dated the 26th of January preceding, to take and seize pirates in the Indian seas, which were then very much and very dangerously infested by them, to the great hazard and loss and ruin of the merchant.

The ship carried thirty guns, and there were on board about eighty men; but the captain being come to New York, in July, 1696, pretending, as indeed it was designed he should, and he had undertaken to make that design good, that he was going to Madagascar (which was the known and common receptacle of the pirates in those seas) to take pirates, and free the seas from those disturbers of the commerce of mankind. So many came in to him, being invited by articles publicly set up by him in that place, that his number quickly increased to one hundred and fifty-five men—a force sufficient, if he had meant well, to have made him useful to the public, and to prove as mischievous if his designs were otherwise. What those were will quickly appear.

After calling in at several places for provisions, and among others at Madagascar, in July, 1697, he sailed to Bab's Key, a small island at the entrance of the Red Sea, and a convenient station for the observing what vessels went from thence to the Indies; and now, instead of taking pirates, he became one himself, and the greatest and the worst of all. Here he stayed three weeks, in expectation of the Mocha fleet, to make his benefit and his fortune out of it; for, whatever he had before pretended, this was his real

Dr Newton

design, and now so possessed his mind that he could not refrain from declaring, and that often to his men, that now he should make his voyage and ballast his ship with gold and silver. After long expectation, the fleet, on the 14th of August, to the number of fourteen, came by; he fell in with the middle of them, fired several guns at them; but finding they had an English and Dutch convoy, that design happily failed of the wished-for success.

This disappointment, however, did not discourage him, but that he proceeded on for the coast of Malabar, where he knew the trade was considerable, and hoped his advantage would be proportionable in the disturbing it; and there accordingly, for several months, he committed many great piracies and robberies, taking the ships and goods of the Indians and others at sea, Moors and Christian, and torturing cruelly their persons, to discover if anything had escaped his hands; burning their houses, and killing, after a barbarous manner, the natives on the shore. Equally cruel, dreaded and hated both on the land and at sea.

These criminal attempts and actions had rendered his name (to the disgrace and the prejudice of the English nation) too well known, and deservedly detested in those remote parts of the world; and he was now looked upon as an arch-pirate, and the common enemy of mankind. Accordingly two Portuguese men of war went out in pursuit of him, and one met with him and fought him for several hours; but Kidd's fortune then reserved him for another manner of trial.

Amongst the great number of vessels he took on that coast was the ship he stands indicted for, the *Quedagh Merchant*, being then on a trading voyage from Bengal to Surat. The ship's commander, Captain Wright, was English, and her owners were Armenian merchants. Kidd had taken Moors before, but Moors and Christians are all alike to pirates; they distinguish not nations and religions.

Those on board the *Quedagh Merchant* offered 30,000 rupees for her ransom, but the ship was too considerable to be parted with, even for so great a sum. So Kidd sold goods out of her, on the neighbouring coast, to the value of £10,000 or £12,000, out of which he took whatever he could pretend to for ammunition and provisions, with forty shares for him-

self, and the remainder was disposed of amongst the crew, and particularly those who are here indicted with him, who accompanied him, who assisted him throughout in all his piracies, and who now too share the spoils and the guilt with him.

With this ship and another, and the remainder of the goods not sold on the coast, he sailed once more for Madagascar, where he arrived in the beginning of May, 1698, and there again what was left on board was divided according to the same proportions, and amongst the same persons as before, each mariner having about three bales to his share.

It is not to be omitted that at his return to Madagascar there came on board him some persons from the ship the *Resolution*, formerly the *Mocha Frigate* (for the piratically seizing of which vessel there have been formerly trials and convictions in this place), of which Captain Culliford, a notorious pirate, now in custody, and against whom two bills have been found for piracy by the grand jury, was the commander. They at first seemed to be afraid of Kidd, but without any ground, as his former actions had demonstrated, and the sequel showed. They, who were hardened pirates, and long inured to villainies, could scarce think that any man could so betray the trust and confidence the public had placed in him, and said they heard he was come to take and hang them, but Captain Kidd assured them that he had no such design, and that he had rather his soul should broil in hell than do them any harm. He bid them not be afraid, and swore he would be true to them; and here, indeed, he did not break his word. This was his way of being true to his trust, and making good the ends of his commission, in acting with the greatest treachery and the greatest falseness that ever man did, and, to make all that has been represented of him true, Captain Kidd and Captain Culliford went on board, treated and presented each other; and, instead of taking Culliford, as it was his duty to have done, and his force was sufficient to have performed it, he gave him money and ammunition, two great guns and shot, and other necessaries to fit him out to sea, that he might be in a condition the better to take and seize other innocent persons.

Dr Newton

His own ship he now left, and went on board the *Quedagh Merchant*; several of his men then went from him, but not the prisoners. They were all along well-wishers and assistants to him, fought for him, divided the plunder with him, and are now come to be tried with him.

This, gentlemen, is the crime he is indicted for, piracy; the growing trouble, disturbance, and mischief of the trading world, and the peaceable part of mankind, the scandal and reproach of the European nations and the Christian name (I wish I could not say that the Kidds and the Averys had not made it more particularly so of the English) amongst Mahometans and Pagans, in the extremest parts of the earth; which turns not only to the disadvantage of the immediate sufferers, but of all such as traffic in those countries, whether companies or single merchants, who are to suffer for the misfortune of others, with whom, it may be, they have no dealings; and for the villainies of such, whom they and all mankind equally and justly detest and abhor.

This is the person that stands indicted at that bar, than whom no one in this age has done more mischief, in this worst kind of mischief, or has occasioned greater confusion and disorder, attended with all the circumstances of cruelty and falsehood, and a complication of all manner of ill. If, therefore, these facts shall be proved upon him, you will then, gentlemen, in finding him guilty, do justice to the injured world, the English nation (our common country), whose interest and welfare so much depend on the increase and security of trade; and, lastly, to yourselves, whom the law has made judges of the fact.

The Solicitor-General—My lord and gentlemen of the jury, I am of counsel for the King, against the prisoners at the bar, in this case, with the doctor that has opened the matter from the beginning. These prisoners at the bar went out with commissions for good purposes, though they made use of them to very bad ones. I must tell you, the charge upon which you are to inquire is only upon a certain ship, called the *Qwedagh Merchant*, and to that we shall apply our evidence. What was taken in her has been opened already: all we will do now is to call our witnesses, and make out, to your satisfaction, the things charged upon them.

Opening Speeches for Crown.

Mr. Coniers—My lord, we shall prove this charge by the persons that were evidence before, Robert Bradinham and Joseph Palmer: they went out with Captain Kidd in his voyage, and he began in April, 1696. I believe it will be necessary that they give some account before this piracy was committed, which was not in time till February, 1697. They will give you an account of some plunders that happened before this, and then of the taking of this ship, and the dividing it amongst them.

Mr. Justice Powell—When went they out?

Mr. Coniers—They began their voyage in April, 1696, and took this ship in February, 1697; they did, all along that voyage, commit several plunders on several ships they thought a prey. Their design was, not to take pirates, but to take what they could get out of any ships, friends or enemies; for in this ship, the *Quedagh Merchant*, which was a Moorish ship, there were several Armenians. They offered them a great sum of money to redeem the ship, but they refused it; and they disposed of the goods and divided the money. For the proof of that we will call Mr. Bradinham.

Mr. Justice Powell—I understand that he had a commission. Therefore, if any one has a commission, and he acts according to it, he is not a pirate; but if he takes a commission for a colour that he may be a pirate, it will be bad indeed. Therefore, if you can prove that he was a pirate all along, this will be a great evidence against him.

Mr. Coniers—My lord, we will prove that; so that the commission was but a colour. Mr. Bradinham, pray give my lord and the jury an account when you began your voyage, and your proceedings afterwards.

Evidence for the Prosecution.

Robert Bradinham, examined by Mr. Coniers—Some time in the year 1696, about the beginning of May, I and others were with Captain Kidd, and we sailed from Plymouth, designing for New York. We went with Captain Kidd in the *Adventure Galley*, and there were about 70 or 80 men aboard the ship, which had thirty guns. Captain Kidd was the commander of this ship. In May, 1696, we

left Plymouth, and went to New York, and on the way met with the French ship, and took her. When we came to New York Captain Kidd put up articles that if any men would enter themselves on board his ship they should have their shares of what should be taken; and he himself was to have forty shares. He carried away from New York 155 men. From New York we sailed to the Madeiras, from thence to Bonavista, from thence to St. Jago, from thence to Madagascar, from thence to Johanna, from thence to Mohilla, from Mohilla to Johanna again, and from thence to the Red Sea; and there we waited for the Mocha fleet. They passed us one night, and we pursued them, and went among them, but he found they were too strong for him, and was fain to leave them. We lay in wait for that fleet for about a fortnight or three weeks. As far as I know, Captain Kidd did not lie in wait for any French effects in that fleet, but only for the Moorish fleet. By the Moorish fleet I mean the natives of India, the Mahometans. Kidd said he intended to make a voyage out of them. We lay in the mouth of the Red Sea, where several sail of ships may lie. During the first night there Captain Kidd sent his boat three times to Mocha, to see if they could make any discovery. The two first times they could make none; but the third time they brought word that fourteen or fifteen ships were ready to sail. Accordingly they came, and we sailed after them, and fell in with them, and Captain Kidd fired at them. What colours the boats had I cannot tell. When Captain Kidd had fetched them up, he found they were under convoy, and so he left them. Captain Kidd fired divers guns at the Mocha fleet.

After we left the Mocha fleet we set sail for the Malabar coast, and on the way we took a ship that Captain Parker was commander of, between Carawar and the Red Sea. She was a Moorish ship; she came from Bombay, and Captain Parker was the master. Captain Kidd took out Parker, and a Portuguese for a linguister. By linguister I mean an interpreter. Kidd also took out of her a bale of coffee, a bale of pepper, about twenty pieces of Arabian gold, and ordered some men to be taken and hoisted up by their arms, and drubbed with a naked cutlace. He did this to make them

confess what money they had. The men whom he treated thus were not Frenchmen, but Moors. While we were at Carawar the English factory sent for Captain Parker and the Portuguese, but Kidd denied that he had any such persons on board, for he kept them in the hold. Then we went to sea, and that night we met with a Portuguese man of war. The next morning we came up with her, and the Portuguese first fired at Captain Kidd, and he at him again; they fought four or five hours. Captain Kidd had ten men wounded.

We then went to the coast of Malabar, to one of the Malabar Islands for wood and water, and Captain Kidd went ashore, with several of his men. He plundered several boats, burnt several houses, and ordered one of the natives to be tied to a tree, and one of his men to shoot him. One of Kidd's men, that was his cooper, had been ashore, and some of the natives had cut this man's throat, and that was the reason Kidd ordered his men to serve this man so. Then we came back again to the Malabar coast and cruised; and in October, 1697, Kidd killed his gunner, William Moore. Some time in November Kidd took a Moorish ship belonging to Surat: there were two Dutchmen belonging to her, the rest were Moors. Captain Kidd chased this ship under French colours; and when the Dutchman saw that he put out French colours too. And Captain Kidd came up with them, and commanded them on board; and he ordered a Frenchman to come upon deck, and to pretend himself captain. So this commander comes aboard, and comes to this Monsieur Le Roy that was to pass for the captain, and he shows him a paper, and said it was a French pass. Captain Kidd said, "By God, have I catched you? You are a free prize to England." We took two horses, some quilts, and other things, and the ship he carried to Madagascar.

In December, 1697, he took a Moorish ketch; she was taken by the boat. We had one man wounded in taking of her. Our people took the vessel ashore, and Captain Kidd took out of her thirty tubs of sugar, a bale of coffee, and then he ordered the vessel to be turned adrift. On 20th January, 1698, Captain Kidd took a Portuguese that came from Bengal; he took out of her two chests of opium, some East India goods, and bags of rice. He kept this Portu-

guese ship about seven days; he kept her till he was chased by seven or eight sail of Dutch, and then he left her. Some time in January, Captain Kidd took the *Qwedagh Merchant;* he gave her chase under French colours. He came up with her, and commanded the master aboard, and there came an old Frenchman in the boat. After he had been aboard a while he told Captain Kidd he was not the captain, but the gunner; and Captain Kidd sent for his captain on board his ship. He was an Englishman named Wright. He was sent for aboard, and he came; and Captain Kidd told him he was his prisoner. He ordered his men to go aboard and take possession of the ship, and disposed of the goods on that coast, to the value of £7000 or £8000. On board this ship there were Captain Wright, two Dutchmen, a Frenchman, and some Armenians; the rest were Moors. Captain Kidd told the Armenians they should be ransomed if they made an offer that he liked of; so they offered him 20,000 rupees. He told them that was but a small parcel of money, and the cargo was worth a great deal more. I was informed by Captain Wright that the cargo belonged to these Armenians. Kidd sold some of the goods on the coast and shared the money out amongst the crew. Each of the prisoners at the bar had a share. Captain Wright came aboard Kidd's ship. I am sure that Captain Wright was an Englishman.

While Captain Kidd was off this part of the coast he boarded several ships, and took out of them what was for his turn. As to the people he traded with, some of them came aboard several times, and he traded with them; but some of them came aboard when he was going away, and he plundered them, and sent them ashore without any goods. These people were Mahometans. They had dealt with him before considerably. He took from them about 500 pieces of eight. I saw it told afterwards. We went to Madagascar afterwards, and by the way met with a Moorish ship, and took out of her several casks of butter, and other things.

Mr. Justice Powell—They are indicted for the *Qwedagh Merchant*. Were all the prisoners in that action? You have given an historical account from the beginning that he

was a mere plunderer; but now you are to come to the *Quedagh* for which they are indicted; go not beyond it.

Mr. Coniers—Look on the several prisoners at the bar, and tell whether any of the prisoners were at the taking of the *Quedagh Merchant*.

By the Clerk of Arraigns—Was William Kidd there at the time the ship was taken?—Yes.

Was Nicholas Churchill there?—Yes.

Do you know James Howe? Was he there? Had he a share?—Yes.

Had Robert Lamley a share?—Yes; he was a servant, and had but half a share of the money and a whole share of the goods.

William Jenkins, was he there, and had a share?—Yes.

Gabriel Loffe, did you know what he had?—He had half a share of the money and a whole share of the goods.

Hugh Parrot, what had he?—Half a share.

Had Richard Barlicorn a share?—He had half a share of the money and a whole share of the goods.

Had Abel Owens any?—Half a share.

What had Darby Mullins?—He had half a share of the money and a whole share of the goods.

Examination continued—When we came to Madagascar there came a canoe to us with some Englishmen in her; they were formerly acquainted with Captain Kidd, and they told him they had heard that he was come to take them and hang them. They belonged to the *Mocha Frigate*. Captain Culliford was the commander; and there were some white men in her that had formerly been acquainted with Captain Kidd. They heard that he was come to take them, and hang them. He told them it was no such thing, for he was as bad as they. They were pirates. Captain Kidd assured them it was no such thing; and afterwards went aboard with them, and swore to be true to them. He took a cup of bumbo and swore to be true to them and assist them; and he assisted this Captain Culliford with guns, and an anchor, to fit him to sea again.

By the Lord Chief Baron—I know all this, because I was aboard then, and I heard the words.

Examination continued—At Madagascar the goods were

divided among us. When we came there Captain Kidd ordered the goods to be carried ashore, and shared; and he had forty shares himself.

By the CLERK OF ARRAIGNS—Every one of the prisoners at the bar had a share.

Examination continued—The *Adventure Galley* was so leaky that she had two pumps going; and when she came to shore they left her, because she was not fit to go to sea again. And so Captain Kidd went aboard the *Scuddee Merchant*, and designed to make a man of war of her. By the *Scuddee Merchant* I mean the *Quedagh Merchant*.

By the LORD CHIEF BARON—What became of that ship afterwards?—I left him at Madagascar after the money and goods were divided, and can give no account afterwards.

Examination continued—Captain Kidd went aboard the *Quedagh Merchant*.

Cross-examined by Captain KIDD—You say when you went out first from England you went out of Plymouth in May, which you did not, for you went in April. Therefore, is not this a contradiction?—We went from Plymouth about the 1st of May, in the year 1696.

Did you not see any French passes aboard the *Quedagh Merchant*?—You told me you had French passes, but I never did see them.

Did you never declare this to anybody that you saw these French passes?—No, I never saw any; but I only said I heard you say you had them.

The CLERK OF ARRAIGNS—Nicholas Churchill, will you ask him any questions?

CHURCHILL—I would have went ashore at Carawar, but the captain would not let me.

The LORD CHIEF BARON—It is proved that you were at the taking of the *Quedagh Merchant*, and dividing the goods.

CHURCHILL—Yes, my lord; but I could not help it. I was forced to do what the captain ordered me.

The LORD CHIEF BARON—James Howe, will you ask him any questions?

HOWE—Have not I obeyed my captain in all his commands?

The Lord Chief Baron—There is no doubt made of that; if any of you will ask him any questions, you may.

Cross-examined by Nicholas Churchill—Had I any share?—Yes.

How will you prove that?

Cross-examined by William Jenkins—I ask you whether I was not a servant?—Yes, you was a servant.

Who was I servant to?—To George Bullen.

My lord, I beg you will examine my indenture, for I have it in my pocket. Had I anything aboard that ship but what my master had?—You had a share of the goods; I cannot tell whether your master had it afterwards.

Cross-examined by Gabriel Loffe—All I have to ask you is whether I did ever disobey my captain's commands, or was any ways mutinous on board the ship?—No, I cannot say you did.

Cross-examined by Richard Barlicorn—I ask you whether I was not the captain's servant?—Yes, you was.

Abel Owens—I have nothing to say; but depend upon the King's proclamation.

Cross-examined by Darby Mullins—You know I had nothing but what Captain Kidd was pleased to give me?—You had half a share of money and a whole share of goods.

By Mr. Justice Powell—What was the reason some had whole shares and some half-shares?—Some were able seamen, and some handmen or servants. There were in all 160 shares, whereof Captain Kidd had 40; and some of the men had whole shares and some only half-shares.

Re-examined by Mr. Cowper—You told us at first that in your passage to New York you took a French banker, and that he condemned her at New York. Did he offer to carry any other ships he took to be condemned?—No, sir, never.

Joseph Palmer, examined by Mr. Coniers—I was one of the men that went with Captain Kidd in the *Adventure Galley*. About the last of April, or the beginning of May,

1696, we went out of Plymouth to New York, and by the way took a French banker. In July we came to New York. About the 6th of February we went to Madeiras.

At New York there were articles set up for men to come aboard Captain Kidd's ship; he was to have 40 shares for his ship, and every man was to have a share. They were to give him £6 a man for their arms. When we came from New York he had between 150 and 160 men. We went from New York to Madeiras, and from thence to Bonavista, and there we took in salt. From thence we went to St. Jago, and there we bought provisions. From thence we went to Madagascar. When we were not far from the Cape of Good Hope he met with Captain Warren, with three sail of men of war besides himself; there was the *Tiger* and the *Kingfisher* and another ship. Captain Kidd kept them company about three or four days, and after that went to Madagascar, and some time in February arrived there; and there we watered and victualled. We came to Malabar about the first of June. Then we went to Johanna, and from thence to Mohilla; and from thence to Johanna again. Then we met with some Indian merchants. So we watered the ship there, and did them no harm; and from thence we went to Mohilla, where Captain Kidd careened his ship. We had a great sickness in the ship, and sometimes we lost four or five men in a day.

Afterwards we went to Johanna again, and there came aboard several Frenchmen and several Englishmen that had lost their ship. Those Frenchmen lent Captain Kidd some money to mend his ship. And after this we came to a place called Mabbee, in the Red Sea, and took in water, and Guinea corn that he took from the natives; and from thence we went to Bab's Key. We came to Bab's Key in July, 1697, and Captain Kidd stayed there about three weeks. I heard him say, "Come, boys, I will make money enough out of that fleet." By this he meant the Mocha fleet. When we came to the Key he ordered some of his men to look out as spies. He sent his boat three times to make a discovery, and he gave them orders either to take a prisoner or to get an account what ships lay there. And the boat went twice, and brought no news; but the third time they brought

word that there were fourteen or fifteen ships lying there ready to sail. Some of them had English colours, some Dutch colours, and some Moorish colours; and there was a great ship with red colours, with her fore-top sail loose, ready to sail. Captain Kidd ordered his men to take care these ships did not pass by in the night. He ordered them by a list in their turns, to look out for the coming of this fleet. After four or five days the fleet came down in an evening, about the 14th or 15th of August. The next morning Captain Kidd went after them, and he fell into the midst of the fleet, and there was a Dutch convoy, and an English one among them. He went into the midst of the fleet, and fired a gun after a Moorish ship, and the two men-of-war fired at us, but did no harm, for they did not reach us. So we left the fleet, and from thence went to Carawar.

Then we met with a small vessel belonging to Aden. In this boat there were black people, only there was one Thomas Parker, and a Portuguese, Don Antonio, on board. I cannot tell whether Don Antonio was in command of the ship. Captain Kidd took this Parker for a pilot, and the Portuguese for linguister. By linguister I mean an interpreter, to speak Spanish and Portuguese. He took out of the ship a bale of pepper and a bale of coffee, and then let her go. But after this we went to Carawar. Before he let the ship go he ordered some of the men to be hoisted up by their arms, and drubbed with a naked cutlass; they were laid with their hands backward. They were then beaten with a naked cutlass, to make them discover what money was aboard. Then he took out this Parker for a pilot, and Antonio, the Portuguese, for a linguister. I heard there was money taken, but I did not see it. He kept Parker and the Portuguese as the other men were kept. When we came to Carawar the English factory demanded them, and he denied them. There were one Harvey and Mason came to demand these men. Captain Kidd denied that he had any such men; he kept them in the hold, I believe, a week. Several of his men would have left him if they could.

After this he put to sea, and met with a Portuguese man-of-war, and fought her. He engaged her five or six hours, and afterwards left her, and then he bought some hogs from

the natives. After he went from this Carawar he went to Porto, and took in some hogs there. And then went to the island of Malabar, and watered his ship. His cooper went ashore, and the natives cut his throat. After this Captain Kidd sent some men ashore, and ordered them that if they should meet any of the natives they should kill them, and plunder them. After that they went to the coast of Malabar again, and in November met with a ship, and took her. One Schipper Mitchel was the commander. She was a Moorish ship. Captain Kidd carried her to Madagascar. In her there were two horses and ten bales of cotton; that he sold to the natives. There was a Frenchman on board that was to pretend himself the captain. Captain Kidd took her under French colours, and hailed her in French; and this Monsieur le Roy was to pass for captain, and he showed his French pass. This Frenchman personated the captain, because Captain Kidd ordered him so to do; and they hailed him in French, and he came aboard, and he had a French pass. Then Captain Kidd told him he was captain. Captain Kidd took the ship and sold the cotton and horses afterwards. After this we coasted about the coast of Malabar, where we met with several boats. Captain Kidd robbed and plundered them, and turned them adrift again.

The next thing we did was about the 1st of January, when we met with a Portuguese ship. We took her on the same coast. Captain Kidd kept her a week, and took out two chests of Indian goods, and 30 jars of butter, and a ton of wax, and half a ton of iron, and 100 bags of rice. We carried these goods aboard the *Adventure Galley*. The next ship we met with was the *Quedagh Merchant*.

The Lord Chief Baron—Be very plain and particular in this, and how she was taken; for this is the ship in the indictment, and for taking which the prisoners are tried.

Examination continued—About the 1st of January she was taken. I was not then aboard the galley, for then I was aboard the *November*,[1] and was ordered to get water. After three or four days I went aboard; but I was not aboard at the time she was taken. About three or four days after I

[1] By this he means the *Maiden*, the ship captured by Kidd on 27th November, 1697.

saw her, and Captain Kidd was aboard. I believe there were taken out of her goods to the value of £10,000 or £12,000, which were sold, some before they were out ashore and some after. They were sold to the Banians. Captain Kidd kept the seamen to help to sail the ships.

By the Lord Chief Baron—The money for which the goods were sold was shared. Captain Kidd had forty shares, in both goods and money.

By the Clerk of Arraigns—Nicholas Churchill had near £200 of each, which was a man's share. James Howe had a whole share. Robert Lamley, William Jenkins, and Gabriel Loffe had each a half-share of the money and a whole share of the goods. Hugh Parrot, Abel Owens, and Darby Mullins had a whole share, and Richard Barlicorn had a half-share.

Examination continued—The rest of the goods were carried to Madagascar. Captain Kidd ordered the goods to be hoisted out and shared. I was not present at the beginning. Most of the goods were ashore before I came back; and before I came back Captain Kidd had his share, and most of the rest. All the prisoners at the bar had their share of the goods. Before I went away, none of the goods had actually been shared, but only they were prepared in order to be divided.

By the Lord Chief Baron—Did you hear any of them say they had any shares?—Yes; Hugh Parrot and Gabriel Loffe.

What say you to William Kidd? Did he own he had any share?—No.

Did you hear Nicholas Churchill say he had any?—No, I did not; I cannot say I heard them say so.

Did you hear Gabriel Loffe and Hugh Parrot say they had any shares?—Yes. I heard them say so.

Examination continued—We left Captain Kidd at Madagascar. I went no further with him. When we came to Madagascar, in the latter end of April or beginning of May, 1696, there was a ship called the *Resolution*, which was formerly called the *Mocha Frigate*. Several of the men came off to Captain Kidd, and told him they heard he came to take and hang them. He said that it was no such thing, and that he would do them all the good he could. And Captain Culliford came aboard of Captain Kidd, and Captain

Kidd went aboard of Culliford. Culliford was the captain of the ship. And on the quarter-deck they made some bumbo, and drank together; and Captain Kidd said, "Before I would do you any harm I would have my soul fry in hell-fire"; and he wished damnation to himself several times if he did. He took the cup and wished that might be his last, if he did not do them all the good he could.

By Mr. Justice Powell—Did you take these men to be pirates?—They were reckoned so.

Examination continued—Captain Kidd presented Culliford with four guns.

By Mr. Justice Powell—Was there not a present on the other side?—I believe there was; I have heard so. I heard Culliford say that he had presented Captain Kidd to the value of four or five hundred pounds.

Examination continued—These kindnesses were done to Culliford, after Culliford's men said they heard Captain Kidd came to hang them. After that, Captain Kidd went aboard the *Quedagh Merchant*. His own ship was leaky, and he left her. Captain Kidd never carried nor attempted to carry any of the ships he took in order to condemn them, except the French banker—the ship captured on the voyage from Plymouth to New York in 1696. He never even talked of doing any such thing.

Cross-examined by Captain Kidd—I ask you whether I had no French passes?—Indeed, Captain Kidd, I cannot tell. I did hear you say that you had French passes, but I never saw them.

By the Lord Chief Baron—Those goods that were taken out of the *Quedagh Merchant* belonged to the Armenian merchants. I have heard Captain Kidd say several times he had French passes.

Cross-examination continued—And did you hear nobody else say so?—No.

I had a commission to take the French, and pirates; and in order to that, I came up with two ships that had French passes both of them. I called you all a-deck to consult. Did not a great many of the men go aboard? Did not you go? You know, I would have given these ships to them again, but you would not; you all voted against it. Did

not you?—This Armenian offered you 20,000 rupees for the ship, and you refused it.

Did not I ask where will you carry this ship? And you said that you would make a prize of her; that you would carry her to Madagascar?—Said you to your men, "These Armenians make such a noise for the ship that I must say my men will not part with her"; but there was not a quarter of the men concerned in it. The Armenians came crying and wringing their hands; upon which, you said, "I must say my men will not give them the ship." And so some of the men went on the forecastle, and pretended they would not give them the ship; but there was not a quarter part of the men concerned in it.

By the Lord Chief Baron—These goods belonged to Armenians, not Frenchmen. I saw no French pass that was on board the *Quedagh Merchant*.

Cross-examination continued—But you have heard of a French pass?—I have heard of it, but never saw it.

The Lord Chief Baron—Captain Kidd, you speak of a commission that you had; you may have it read, if you please.

Captain Kidd—I desire to have them both read.

The Lord Chief Baron—Yes, they shall.

[Then Kidd's commission as a privateer was read.[2]]

Mr. Justice Powell—Captain Kidd, can you make it appear there was a French pass aboard the *Quedagh Merchant*?

Captain Kidd—My lord, these men say they heard several say so.

Mr. Coniers—But all came from you.

The Lord Chief Baron—If there was a French pass in the ship, you ought to have condemned her as a prize.

[Then Captain Kidd's other commission for cruising against the pirates was read.[3]]

The Lord Chief Baron—Now you have had the commissions read, what do you excuse yourself by? What use do you make of them to justify or defend yourself?

Captain Kidd—About this *Quedagh Merchant*.

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[2] See Introduction, p. 13, for text of this commission.

[3] See Introduction, p. 15.

The Lord Chief Baron—What? Would you have her a French ship?

Captain Kidd—Under a French commission.

Cross-examination continued—The master was a tavern-keeper at Surat; do not you know that, Mr. Palmer?—I was not on board when this pass came; I never saw it.

The Lord Chief Baron—But, then, you should have condemned this ship, if she had been a French ship, or had a French pass.

Captain Kidd—The evidence says it was by my order that the goods were taken out; I was not at the sharing of the goods; I knew nothing of it.

The Lord Chief Baron—Out of the goods that were taken, some were sold in the country there, and the produce of them was so much money. It is proved that that money was divided; and, pursuant to the articles set up, you were to have forty shares, and the rest of the men whole or half-shares, as they deserved. Now, this money, both these men swear it was taken by you; the first swears that the unsold goods that remained in the ship were also divided, and that you had forty shares of them; and the other says he did not see the goods divided, but two of the men acknowledged it.

Captain Kidd—My lord, this Frenchman was aboard five or six days before I understood there was any Englishman aboard. "Well," said I, "what are you?" Says he, "An Englishman I am, master." "What have you to show for it?" "Nothing," says he.

Mr. Justice Powell—You have produced letters patents that empowered you to take pirates; why did you not take Culliford?

Captain Kidd—A great many of the men were gone ashore.

Mr. Justice Powell—But you presented him with great guns, and swore you would not meddle with them.

The Lord Chief Baron—When the question was put, "Are you come to take us and hang us?" you answered, "I will fry in hell before I will do you any harm."

Captain Kidd—That is only what these witnesses say.

The Lord Chief Baron—Did you not go aboard Culliford?

Captain KIDD—I was not aboard Culliford.

The LORD CHIEF BARON—These things press very hard upon you. We ought to let you know what is observed that you may make your defence as well as you can.

Captain KIDD—I desire Mr. Davis may be called.

Evidence for the Prisoner Captain Kidd.

EDWARD DAVIS, examined by Captain KIDD—I came a passenger from Madagascar, and from thence to Anguilla, and there Captain Kidd sent his boat ashore, and this man was ashore. There was one said Captain Kidd was published a pirate in England; and he gave those passes to him to read. The captain said they were French.

By the LORD CHIEF BARON—Who gave them?—Captain Kidd gave them.

Did you know anything of taking the *Quedagh Merchant*?—No, no.

Then you cannot say they have any relation to the *Quedagh Merchant*?—No, not I.

Examination continued—I heard Captain Elms say they were French passes. Says he, "If you will, I can turn them into Latin."

Baron HATSELL—Have you any more to say, Captain Kidd?

Captain KIDD—I have some papers, but my Lord Bellomont keeps them from me, that I cannot bring them before the Court.

The CLERK OF ARRAIGNS—Have you any more to say?

Captain KIDD—I have some to call that will bear testimony to my reputation.

The LORD CHIEF BARON—Call whom you please, we will not abridge you.

Captain KIDD—Call Mr. Bradinham.

ROBERT BRADINHAM, examined by Captain KIDD—I desire this of you whether you ever saw the French passes, and whether you did not tell Colonel Bass so?—I never saw a French pass. I only heard so.

Colonel Bass, examined by Captain Kidd—I have heard Mr. Bradinham say he heard Captain Kidd say he had French passes on board; but I never heard him say he saw them.

You heard him deny just now that he ever saw the French passes, or heard of them?

By the Lord Chief Baron—He says so now, that he never saw them, only he heard you say so. Colonel Bass, have you heard him say the passes related to the *Quedagh Merchant*?—He has often said he heard Kidd say the French passes were aboard.

The Clerk of Arraigns—Captain Kidd, have you any more witnesses to call?

Captain Kidd—I desire Mr. Say may be called; he is in the prison; I desire he may be sent for.

The Lord Chief Baron—We will give you all the liberty you can expect. If you have any more you were best to call them all together. In the meantime, what say you, Churchill?

Evidence for the Prisoner Nicholas Churchill.

Churchill—I desire Colonel Bass may be called, and that this affidavit may be read.

Colonel Bass, examined by Nicholas Churchill—Did not I surrender myself to you?——

The Lord Chief Baron—If you can make your case come within the proclamation, you must make it appear that you surrendered according to the directions of it.

Churchill—My lord, we came in in the year 1699, and surrendered ourselves to Colonel Bass.

The Lord Chief Baron—If you can make it appear that you surrendered yourselves in pursuance of that, to the persons appointed to receive your surrender, that will be somewhat to the point; but Colonel Bass had no power by that proclamation to receive your surrender. Therefore, you cannot have any benefit by it, unless you bring your case within it.

Churchill—My lord, we came in upon that proclamation, and might have gone away any day if we would; but we

stayed in the country, and we never offered to go away till it was my Lord Bellomont's pleasure to send for us.

The Lord Chief Baron—Then you may repeat your question to Colonel Bass.

Examination continued—Colonel Bass, will you be pleased to tell my lord whether we did not surrender ourselves to you in pursuance of the King's proclamation?—My lord, about the 29th of May, 1699, I had an account of some persons, that were supposed pirates, that were come to surrender themselves; and on my landing these two persons came to me and surrendered to me the 4th of June, 1699. And I told them I must refer their case to His Majesty at home.

By the Lord Chief Baron—Who were they that surrendered to you?—Nicholas Churchill and James Howe.

Where were you Governor?—At the province of West Jersey.

How came they here?—I left them under bail.

Did you send them over?—No, my lord, I came to England before. I left them in custody. They were sent over prisoners by my successor.

What did they say to you when they surrendered themselves to you?—They said they had been in the Indies, and that they had committed several piracies, and desired they might have the benefit of His Majesty's proclamation.

What pirates did they mention to you?—They mentioned the *Mocha Frigate* and Captain Kidd.

Had you the proclamation?—No, but I had seen one of them.

Did you take yourself allowed to receive their surrender?—No, my lord, I did not.

The Clerk of Arraigns—Nicholas Churchill, have you quite done?

Churchill and Howe—Yes, sir, we came in upon His Majesty's proclamation.

Evidence for the Prisoner Robert Lamley.

The Clerk of Arraigns—Robert Lamley, what have you to say?

Lamley—My lord, I was but a servant to Mr. Owens. The surgeon knows this.

Bradinham—My lord, he was concerned with the cook.
Lamley—My lord, here is my indenture.

Evidence for the Prisoner William Jenkins.

The Clerk of Arraigns—William Jenkins, what have you to say?

Jenkins—I have nothing to say, but I was servant to Mr. Bullen.

By the Lord Chief Baron—Where is your witness to prove it?—Both the King's witnesses know it.

Bradinham and Palmer—My lord, he was his servant.

Evidence for the Prisoner Gabriel Loffe.

The Clerk of Arraigns—Gabriel Loffe, what say you for yourself?

Loffe—My lord, about the year 1696 I entered myself on board Captain Kidd, and went out with him, and I never disobeyed his command in any thing. I wish to question Palmer.

Joseph Palmer, examined by Gabriel Loffe—Did not I obey the captain in everything?—Yes.

By the Lord Chief Baron—Did he go out under the first commission?—He came aboard at New York.

Did you take him in before or after the articles were set up?—After the articles were set up.

Did Captain Kidd take any notice of his commission in the articles?—Yes, my lord, he did mention them. I have a copy of the articles.

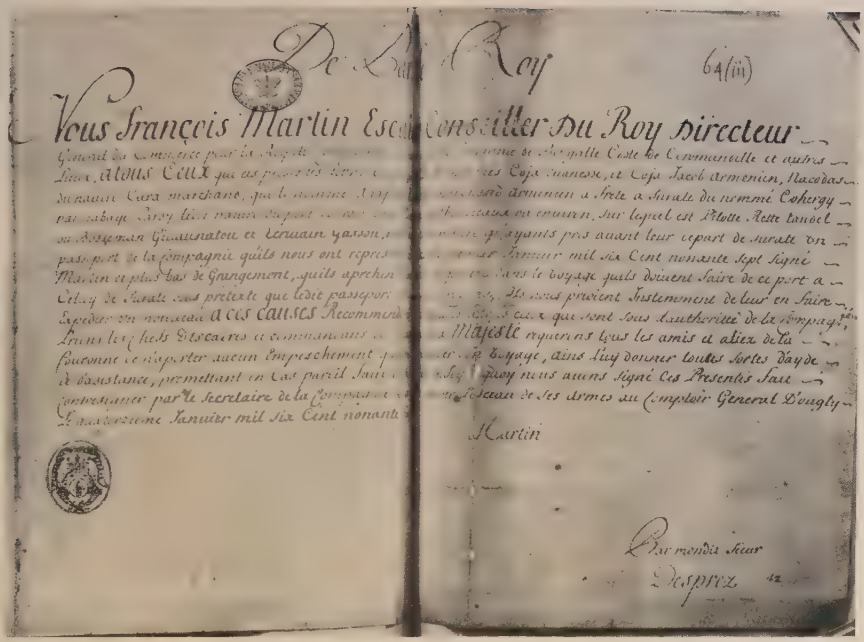
Are these articles the copy of the articles set up by Captain Kidd at New York?—Yes.

By Mr. Justice Gould—Did you examine them?—To the best of my knowledge they were a true copy.

By Mr. Justice Turton—Did you compare them with the original?—No, my lord.

The Clerk of Arraigns—Gabriel Loffe, have you any more to say?

Loffe—Yes, a great deal more to ask the witnesses.


De Roy
Vous François Martin Escr
Conseiller du Roy directeur
Roy 64(iii)
Martin
Desprez

The French pass carried by "The Quedagh Merchant" and seized by Kidd
(Now in the Public Record Office, London)

Evidence for Gabriel Loffe.

The Clerk of Arraigns—What will you ask them?

Loffe—Whether I did not obey the captain?

Mr. Justice Turton—There is no scruple to be made of that.

Loffe—I went out to serve His Majesty under his commission.

By the Lord Chief Baron—But how came you to take part of the money?—I had what they pleased to give me.

The Lord Chief Baron—You must needs imagine that when Captain Kidd did these extravagant things, and divided the money and goods, that he did not act according to his commission. What could you think of it?

Evidence for the Prisoner Hugh Parrot.

The Clerk of Arraigns—Hugh Parrot, what have you to say for yourself?

Parrot—My lord, in the year 1695, in the month of October, I sailed out of Plymouth in a merchantman, bound for Cork, in Ireland, there to take in provisions; thence to the island of Barbadoes. In sight of the island of Barbadoes I was taken by a French privateer and carried to Martinico; and thence, coming in a transport ship, I was brought to Barbadoes, where I shipped myself in a vessel bound to Newfoundland, and thence to Madeiras. Then I went to Madagascar, and there I stayed some short time after, and came in company with Captain Kidd. Then the commander and I had a falling out, and so I went ashore at that island. Understanding that Captain Kidd had a commission from the King, I came aboard Captain Kidd's ship, and ever since have been with him.

By the Lord Chief Baron—Did you come in after he had been at New York?—This was in the year 1697.

You have acted with him and shared with him. Could you imagine he was acting according to his commission when he was doing these things?—I thought I was safe where the King's commission was.

The commission was to take pirates, and not to turn pirates?—I always obeyed Captain Kidd. When I came to Madagascar with Captain Kidd, I might have gone aboard a

known pirate, but I refused it, and kept close to my captain. When I came to New England I might have gone away as others did; but I had my liberty at Boston for about a week, and went up and down, and surrendered myself.

You did not surrender yourself, but only you had a liberty to go away, and did not?—I thought there was not need of it. My lord, I desire you would ask the witnesses whether I ever disobeyed the captain's commands?

The Lord Chief Baron—They say no otherwise, but that you went willingly.

Evidence for the Prisoner Richard Barlicorn.

The Clerk of Arraigns—Richard Barlicorn, what have you to say?

Barlicorn—My lord, I beg leave that I may produce some evidence for my reputation. Here is a certificate from the parish where I was born.

The Lord Chief Baron—That will signify nothing; we cannot read certificates; they must speak *viva voce*.

Barlicorn—Call Benjamin Bond, Daniel Philips, and James Newton to give an account of my reputation, what they know of me.

Benjamin Bond, examined by Richard Barlicorn—I knew him when he was a child, and he was very civil and honest; I lived near him till he was thirteen or fourteen years old. He came of honest parents, and behaved himself very civilly all that time.

By the Lord Chief Baron—I have not known anything of him since.

The Clerk of Arraigns—Richard Barlicorn, have you anything more to say?

Barlicorn—My lord, I was a servant to Captain Kidd, and have been with him six years; I have a certificate from several of my relations that will testify it.

By the Lord Chief Baron—How long have you been so? Where was it that you came first to be his servant?—At Carolina.

Evidence for Abel Owens.

Evidence for the Prisoner Abel Owens.

The Clerk of Arraigns—Abel Owens, what say you for yourself.

Owens—My lord, I desire the privilege of the proclamation. I entered myself into the King's service. I have been in the King's service, according to His Majesty's proclamation. I desire it may be read. [Which was done.]

The Lord Chief Baron—You desire the benefit of this proclamation; but you must bring yourself under the qualifications it requires if you would have any benefit of it.

Mr. Crawley (registrar of the Court)—He has a certificate of it.

The Lord Chief Baron—Is it within the proclamation?

Mr. Crawley—The certificate is dated the 15th of March, 1700, from Mr. Riches, a justice of the peace in Southwark.

The Lord Chief Baron—Mr. Riches, I suppose, did believe he was within this proclamation.

Mr. Justice Gould—The pardon extends to all persons for piracies committed before that time, if they surrender themselves to such and such, and enter themselves on board one of His Majesty's ships.

Mr. Coniers—A justice of the peace is not within the proclamation.

The Clerk of Arraigns—Have you any more to say?

Owens—Only to desire the benefit of the proclamation.

The Lord Chief Baron—He surrendered himself to Mr. Riches, and then entered himself aboard one of His Majesty's ships; and then there was evidence against him when on board, and he was seized. This may be fit to recommend him to the King's mercy, but it is not a defence against the accusation.

Evidence for the Prisoner Darby Mullins.

The Clerk of Arraigns—Darby Mullins, who do you say for yourself?

Mullins—I came in upon the King's act of grace; I came ashore with the rest of the people.

By the Lord Chief Baron—What have you to show to entitle you to the benefit of the proclamation?—I was ready

to die of the bloody-flux, and not able to go myself, but I sent my name in to the Governor.

Where was you when you was so sick?—In West Jersey. I came ashore in Cape May. I was sick like to die all the way from Madagascar, expecting every minute to die with the bloody-flux. I left Kidd at Madagascar, and subsequently sailed to America in another ship. It was in America that I was arrested with the others.

How came you to leave Captain Kidd?—He used me very hardly, and therefore I left him.

You had a dividend of the money and goods?—He gave it me, and afterwards took it from me.

Was he your master?—I had no master.

How did you come to Jersey?—I came there with Captain Shelley; he is in Court.

You were aboard Captain Culliford?—I came home, in hopes to get the King's pardon.

That which you say is very odd. Though you quitted Captain Kidd's ship, you went into Culliford?—I came home to get the King's pardon.

Evidence for the Prisoner Captain Kidd—Continued.

The Lord Chief Baron—Captain Kidd, you said you had more to say just now; if you have, let us hear it.

Captain Kidd—I desire this man may be heard two or three words.

The Lord Chief Baron—What is his name?

Captain Kidd—Mr. Say.

Mr. Say, examined by Captain Kidd—I happened to be at the Treasury Office in Broad Street to receive some money, and Mr. White was there, and he asked me, "Will you go along with me, and see one Elbury that is in the Marshalsea for debt?" Says I, "I am a stranger to him, I do not care to go." Says he, "Bear me company." So I went with him; and when I came there I saw Captain Kidd's men. And this Mr. Elbury was in company with Captain Kidd's surgeon. Says I, "I am a brother of the quill, I should be glad to drink a glass with you." We stayed there but a little while,

and asked what that man was. Says he that he is Captain Kidd's surgeon. Upon this I said, " There is a mighty noise about Captain Kidd." Says he, " I believe he has done but what he can answer, or that can do him any hurt." Says I, " Where have you been with him? " He said at Madagascar.

The Lord Chief Baron—Mr. Bradinham was with them, there is no doubt of that. It is not to be questioned, and he would not say anything ill of them then. Captain Kidd, have you anything more to say?

Captain Kidd—Call Captain Humphreys.

Captain Humphreys, examined by Captain Kidd—I knew Captain Kidd in the West Indies in the beginning of the late war; I know he had the applause of the general, as I can show by the general's letter. I know nothing further of him. I did not know anything about him being guilty of any piracies. He had a general applause for what he had done from time to time.

By the Lord Chief Baron—How long was this ago?—Twelve years ago.

The Lord Chief Baron—That was before he was turned pirate.

Captain Bond, examined by Captain Kidd—I know Captain Kidd was very useful at the beginning of the war in the West Indies.

Baron Hatsell—To be sure, they had a good opinion of him in 1695, when they granted him the commission.

Captain Kidd—There is nothing in the world can make it appear I was guilty of piracy; I kept company with Captain Warren for six days.

Mr. Coniers—I believe you kept company more with Captain Culliford than with Captain Warren?

Captain Kidd—I never designed to do any such thing.

Mr. Coniers—My lord, we will say nothing at all; but leave it to your lordship to direct the jury.

Captain Kidd—I have many papers for my defence, if I could have had them.

The Lord Chief Baron—What papers were they?

Captain Kidd—My French passes.

The Lord Chief Baron—Where are they?

Captain KIDD—My Lord Bellomont had them.

The LORD CHIEF BARON—If you had had the French passes you should have condemned ships?

Captain KIDD—I could not, because of the mutiny in my ship.

The LORD CHIEF BARON—If you had any thing of disability upon you to make your defence, you should have objected to it at the beginning of your trial; what you mean by it now I cannot tell. If you have anything more to say, you may say it; the Court is ready to hear you.

Charge to the Jury.

The LORD CHIEF BARON—Gentlemen of the jury, the prisoners at the bar, William Kidd, Nicholas Churchill, James Howe, Robert Lamley, William Jenkins, Gabriel Loffe, Hugh Parrot, Richard Barlicorn, Abel Owens, and Darby Mullins, in number ten, stand all here indicted for the crime of piracy, charged to be committed by them. And the instance of the crime is, for feloniously and piratically seizing and taking the ship called *Quedagh Merchant*, with the apparel and tackling thereof, to the value of £400, and divers goods mentioned in the indictment, to the value of £4500, the goods of several persons unknown, from the mariners of the said ship, and this at high sea, within the jurisdiction of the Court of Admiralty, about ten leagues from Cutsheen, in the East Indies, the 30th of January, 1697, and in the 8th year of His Majesty's reign. Now, whether all, or any, and which of these prisoners, are guilty of this crime of piracy laid in this indictment, or not guilty, it is your part to determine according to the evidence that has been given on both sides. The crime charged on them is piracy, that is, seizing and taking this ship and goods in it, piratically and feloniously; the time and place is laid also in the indictment. To make good this accusation, the King's Counsel have produced their evidence. Two witnesses have been examined in this case: each of them was in the ship which took the *Quedagh Merchant*, and very well acquainted with all the proceedings; that is, Robert Bradinham and Joseph Palmer.

Charge to Jury.

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The first witness has given you an historical account of the whole proceedings of Captain Kidd, from his first going out of England in the *Adventure Galley* to the time of this fact charged on them. Both witnesses tell you that about May, 1696, the King entrusted this Captain Kidd with two commissions, and they were both read to you. By one of them, under the Admiralty seal, he was authorised to set out as a privateer in the *Adventure Galley*, and therewith to take and seize the ships and goods belonging to the French King, or his subjects, and such other as were liable to confiscation. And by the other commission, under the broad-seal of England, authority was given for the taking of some pirates by name, and all other pirates in the several places therein mentioned; but in no sort to offend or molest any of the King's friends or allies, their ships, or subjects, by colour thereof. And by both commissions command was given to bring all such ships and goods as should be taken to legal trials and condemnations. Both witnesses tell us that this ship was sent out from Plymouth about May, 1696, and that in their passage they did take a French ship, and they did condemn that ship.

You must bear this in your minds, that to make it piracy it must be the taking piratically and feloniously upon the high sea, within the jurisdiction of the Admiralty of England, the goods of a friend, that is, such as are in amity with the King. Now, you see what way they went to work, and what measures they took. Captain Kidd went out, and went to New York. When he was there he had a project in his head of setting up articles between himself and the people that were willing to be concerned with him; for now, whether it seems more probable from what followed that Captain Kidd designed to manage himself according to the measures given him, and the powers of his commissions, or in any other way, you must consider. It is told you that between 150 and 160 men came in under these articles, whereof the other prisoners were part, and concerned in them. As to those articles, the import of them was that whatever should be taken by these people in their expeditions should be divided into 160 parts, whereof Captain Kidd was to have 40 shares for his part, and the rest

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were to have, according to the merit of each party, some whole shares and some half-shares.

Now, after these articles, you perceive what progress they made, and what course they took; they went from one place to another, and used a pretty deal of severity wherever they came. A design they had to go into the Red Sea, and they had expectations of the Mocha fleet that lay at Mocha, and they sent their spies three times to get intelligence: the two first times they could make no discovery; but the third time they made an effectual discovery that the fleet was ready to sail. In the meantime Captain Kidd lay there in expectation of this fleet; and, as the first witness tells you, Captain Kidd said he intended to make a voyage out of this fleet. Well, he had a discovery of this fleet, and they came accordingly. They tell you that he and his men in the ship did attack one of the ships; but these ships being guarded by two men of war, he could make nothing of them. However, he showed what his intention and design was. Could he have proved that what he did was in pursuance of his commissions it had been something; but what had he to do to make any attack on these ships, the owners and freighters whereof were in amity with the King? This does not appear to be an action suitable to his commission.

After he had done this he came to land, and there, and afterwards at sea, pursued strange methods, as you have heard. The seeming justification he depends on is his commissions. Now, it must be observed how he acted with relation to them, and what irregularities he went by. He came to a place in the Indies, and sent his cooper ashore, and that cooper was killed by the natives; and he uses barbarity and ties an Indian to a tree, and shoots him to death. Now he went from place to place, and committed hostilities upon several ships, dealing very severely with the people.

But this being something foreign to the indictment, and not the facts for which the prisoners at the bar are indicted, we are confined to the *Quedagh Merchant*, but what he did before shows his mind and intention not to act by his commissions, which warrant no such things. Gentlemen, you have an account that he met with this ship, the *Quedagh*

Merchant, at sea, and took her; that this ship belonged to people in amity with the King of England; that he seized this ship, and divers goods were taken out of her and sold, and the money divided pursuant to the heads contained in those articles set up at New York. The witnesses that speak to that come home to every one of the prisoners; they tell you that the dividend was made; that Captain Kidd had 40 shares of the money, and the rest of the prisoners had their proportions according to the articles, some whole shares and some a half-share of that money.

After they had seized on the ship, you hear of a certain sort of project, that a Frenchman should come and pretend himself the master, and produce, or pretend to produce, a French pass under a colour that these ship and goods of these people, who were Moors, should be Frenchmen's ship and goods, or sailed under a French pass, and so justify what he did under the colour of his commission from the King. Now, no man knows the mind and intention of another, but as it may be discovered by his actions. If he would have this to be understood to be his intention, or that it was a reality that he took this as a French ship, or under a French pass, then he ought to have had the ship and goods inventoried and condemned according to law, that he might have had what proportion belonged to him, and that the King might have had what belonged to him, as his commissions directed; but here was nothing of that done, but the money and goods that were taken were shared. You have an account likewise how some of the goods were sold, and the money disposed of, and how the remaining goods were disposed of. One witness speaks positively of the distribution of the goods that remained unsold, that they were divided according to the same proportions as the articles mentioned, and every one of the prisoners had his share: there belonged 40 shares to Captain Kidd, and shares and half-shares to the rest.

This is the great case that is before you, and on which the indictment turns: the ship and goods, as you have heard, are said by the witnesses to be the goods of the Armenians, and other people that were in amity with the King; and Captain Kidd would have them to be the goods of French-

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men, or, at least, that the ship was sailed under French passes. Now if it were so, as Captain Kidd says, it was a lawful prize, and liable to confiscation; but if they were the goods of persons in amity with the King, and the ship was not navigated under French passes, it is very plain it was a piratical taking of them. Gentlemen, it is to be considered what evidence Captain Kidd hath given to prove that ship and goods to belong to the French King, or his subjects, or that the ship was sailed under a French pass, or, indeed, that there ever was a French pass shown or seen. He appeals indeed to the witnesses over and over again, asking them if they ever saw it. "No," say they. "Nor did not you," saith he, "say you saw it?" "No," saith the witness, "I said that Captain Kidd said he had a French pass, but I never saw it." Now, after all, the taking the *Quedagh Merchant* is brought down to Captain Kidd and the prisoners with others, and the distribution of the money produced by the sale of the goods among Captain Kidd and his crew, whereof every one of these prisoners were present at the same time, and had proportions.

Gentlemen, this must be observed: if this was a capture on the high sea, and these were the goods of persons in amity with the King, and had no French pass, then it is a plain piracy. If you believe the witnesses, here is a taking of the goods and ships of persons in amity, and converting them to their own use; such a taking at land as this would be felony, and being at sea it will be piracy; for this is a taking the ship from the right owners, and turning it to their own use. So that you have evidence as to the seizing of the ship and dividing the money rising from the goods sold, and sharing the remainder according to the articles.

What does Captain Kidd say to all this? He has told you he acted pursuant to his commission; but that cannot be, unless he gives you satisfaction that the ship and goods belonged to the French King, or his subjects, or that the ship had a French pass. Otherwise, neither of them will excuse him from being a pirate; for if he takes the goods of friends he is a pirate. He had no authority for that; there is no colour from either of his commissions for him to take them. As to the French passes, there is nothing

of that appears by any proof; and, for aught I can see, none saw them but himself, if there were ever any.

It is proved that the people that were owners of the goods made him very large offers to redeem the ship—20,000 rupees, as I remember—but he would not accept their proposal, but said, "That is a small sum, the cargo is worth a great deal more," or to that effect; and further said, "he must answer these people, that his men will not part with it." A Frenchman was to be set up for a mock business, as you have heard; and if the witnesses say true, they were said by the captain of the ship to be, and were reputed to be, the ship and goods of friends, and not of enemies; if they were so, and had no French pass, then is he, and those that were concerned with him, guilty of piratically taking this ship, and of piratically seizing the goods in the ship; and neither of his commissions will justify such an action as this. If he had acted pursuant to his commission, he ought to have condemned the ship and goods if they were a French interest or sailed under a French pass; but by his not condemning them he seems to show his aim, mind, and intention, that he did not act in that case by virtue of his commission, but quite contrary to it; for he takes the ship and shares the money and goods, and is taken in that very ship by my Lord Bellomont, having continued in that ship till that time. So there is no colour or pretence appears that he intended to bring his ship to England to be condemned, or to have condemned it in any of the English plantations, having disposed of the whole cargo as aforesaid. Here I must leave it to you to consider whether, according to the evidence that appears, there is any ground for him to say he has acted by his commission in taking the *Quedagh Merchant* and goods in her, or whether he has not acted contrary thereunto.

For himself, he has called some persons here to give an account of his reputation and of his services done in the West Indies; one of them says, about ten or twelve years he did good service there. Why, so he might and might have, and it is very like he had such reputation when the King trusted him with these commissions, else I believe he had never had them; so that, whatever he might be so many

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years ago, that is not a matter to be insisted on now, but what he hath been since, and how he hath acted in this matter charged against him. So that, gentlemen, as to Captain Kidd, I must leave to you whether he is guilty of piracy or no. If you believe him guilty upon the evidence, you will find him so; if not, you will acquit him.

Turning to the other prisoners, it is proved they were all concerned in taking and sharing the ship and goods in the indictment; yet their circumstances differ pretty much among themselves. There are three of them, that it has been made out to you, and owned by the King's witnesses, that they were servants, Robert Lamley, William Jenkins, Richard Barlicorn. All these are made out to be servants, and you have had the indentures of two of them produced, and the King's witnesses prove them so, and they were admitted to be servants.

Now, gentlemen, there must go an intention of the mind, and a freedom of the will, to the committing a felony or piracy. A pirate is not to be understood to be under constraint, but a free agent; for in this case the bare act will not make him guilty, unless the will make it so. A servant, it is true, if he go voluntarily and have his proposition, must be accounted a pirate; for then he acts upon his own account, and not by compulsion. These persons, according to the evidence, received their part; but whether they accounted to their masters for their shares afterwards, yea or no, as they pretend but make no proof of it, I must leave that to you. Therefore, there is a consideration to be had of them; for if these men did go under the compulsion of their masters, to whom they were servants, and not voluntarily and upon their own accounts, it may difference their case from others, who went and acted willingly in this matter and upon their own accounts. So that as to those that were servants under the command of their masters, that were present with them, I must leave it to you whether you will distinguish between them and the others that were not servants, but free agents. It is true a servant is not bound to obey his master but in lawful things, which they say they thought this was, and that they knew not to the contrary, but that their masters acted according to the

King's commission; and therefore their case must be left to your consideration whether you think them upon the whole matter guilty or no. If you believe them guilty, you will find them so; otherwise you will acquit them.

For the other persons, some of them pretend they came in on His Majesty's proclamation, and for that you must consider the evidence, and take it altogether, and consider whether you are satisfied by what they have said or proved, that they have brought themselves within the benefit of the King's favour by that proclamation. You have heard it read, and observed the qualifications and directions by it, and the terms upon which the pardon was promised, and which are not made out to you, to be complied with by them. They may apply another way for the King's mercy. This Court must proceed according to the rules of law and justice; but then all of them hold on this: we were, say they, under the captain, and acted under him as their commander. So far as they acted under his lawful commands, and by virtue and in pursuance of his commissions, it must be admitted they were justifiable, and ought to be justified; but how far forth that hath been the actions of the captain and their own will best make it appear. It is not contested but that these men knew, and were sensible of what was done and acted, and did take part in it, and had the benefit of what was taken shared amongst them. If the taking of this ship and goods was unlawful, then these men can claim no advantage by these commissions, because they had no authority by them to do what they did, but acted quite contrary to them. What had they to do to enter into such articles and to act as they did? You must consider the evidence given here, according to the rules of the law; if you are satisfied that they have knowingly and wilfully been concerned or partaken with Captain Kidd in taking this ship and dividing the goods, and that piratically and feloniously, then they will be guilty within this indictment.

It is worthy of consideration what appears upon the evidence, that they met with one reputed to be a notorious pirate, called Culliford; he was esteemed an arch-pirate, and known to be so; yet this Captain Kidd, that was commissioned to take pirates, instead of taking him, grows to

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such an intimacy with him that he said he would have his soul fry in hell before he would hurt him, or to that effect; and so they made presents one to another. Captain Kidd also left three of his men with him. Whilst men pursue their commissions they must be justified; but when they do things not authorised, or never enacted by them, it is as if there had been no commission at all. I have distinguished the evidence as well as my memory serves me, and must leave it to you to determine upon the whole matter, who are guilty and who not. And such as you are satisfied to be guilty, you will find so, and such as you are not satisfied to be guilty, you will acquit.

[The jury then withdrew, and after half an hour's absence, returned to Court and answered to their names.]

The Clerk of Arraigns—Gentlemen, are you agreed of your verdict?

Omnes—Yes.

The Clerk of Arraigns—Who shall say for you?

Omnes—Foreman.

The Clerk of Arraigns—William Kidd, hold up thy hand (which he did). How say you, is he guilty of the piracy whereof he stands indicted or not guilty?

The Foreman—Guilty.

In like manner the following were found guilty:—Nicholas Churchill, James Howe, Gabriel Loffe, Hugh Parrot, Abel Owens, and Darby Mullins; the servants, Robert Lamley, Richard Barlicorn, and William Jenkins were found not guilty.

THIRD TRIAL.

THE TRIAL

OF

CAPTAIN WILLIAM KIDD,

AND OTHERS,

at the Old Bailey, 9th May, 1701.
on two further Indictments of Piracy.

The Judges and Counsel for the Crown were the same as those in the Second Trial.

THIRD TRIAL.

Captain Kidd and the other nine prisoners were next tried upon the two following indictments:—

First Indictment:

"The Jurors for our Sovereign Lord the King do, upon their oath, present, That William Kidd, late of London, mariner; Nicholas Churchill, late of London, mariner; James Howe, late of London, mariner; Robert Lamley, late of London, mariner; William Jenkins, late of London, mariner; Gabriel Loffe, late of London, mariner; Hugh Parrot, late of London, mariner; Richard Barlicorn, late of London, mariner; Abel Owens, late of London, mariner; and Darby Mullins, late of London, mariner; the 20th day of September, in the 9th year of the reign of our Sovereign Lord William the Third, by the grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, and so forth, by force and arms, &c., upon the high sea, in a certain place, distant about 50 leagues from the port of Carrawar, in the East Indies, and within the jurisdiction of the Admiralty of England, did piratically and feloniously set upon, board, break and enter a certain ship called a Moorish ship, then being a ship of certain persons (to the jurors aforesaid unknown), and then and there piratically and feloniously did make an assault in and upon certain mariners (whose names to the jurors aforesaid are unknown) in the same ship, in the peace of God, and of our said now Sovereign Lord the King, then and there being, piratically and feloniously did put the aforesaid mariners of the same ship, in the ship aforesaid then being, in corporal fear of their lives, then and there in the ship aforesaid, upon the high sea, in the place aforesaid, distant about 50 leagues from the port of Carrawar aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, piratically and feloniously did steal, take and carry away 100 pound weight of coffee, of the value of £5 of lawful money of England, 60 pound weight of pepper of

the value of £3 of lawful money of England, 1 cwt. of myrrh of the value of £5 of lawful money of England, and 20 pieces of Arabian gold, of the value of £8 of lawful money of England, the goods, chattels and moneys of certain persons (to the jurors aforesaid unknown) then and there upon the high sea aforesaid, in the aforesaid place, distant about 50 leagues from the port of Carrawar aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, being found in the aforesaid ship, in the custody and possession of the said mariners in the said ship, from the said mariners of the said ship, and from their custody and possession, then and there upon the high sea aforesaid, in the place aforesaid, distant about 50 leagues from the port of Carrawar aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, against the peace of our said now Sovereign Lord the King, his Crown and dignity, &c."

Second Indictment:

"The Jurors for our Sovereign Lord the King do, upon their oath, present, that William Kidd, late of London, mariner; Nicholas Churchill, late of London, mariner; James Howe, late of London, mariner; Robert Lamley, late of London, mariner; William Jenkins, late of London, mariner; Gabriel Loffe, late of London, mariner; Hugh Parrot, late of London, mariner; Richard Barlicorn, late of London, mariner; Abel Owens, late of London, mariner; and Darby Mullins, late of London, mariner; on the 27th day of November, in the 9th year of the reign of our Sovereign Lord William the Third, by the grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, and so forth, by force and arms, &c., upon the high sea, in a certain place, distant about four leagues from Callicut, in the East Indies, and within the jurisdiction of the Admiralty of England, did piratically and feloniously set upon, board, break, and enter a certain ship called a Moorish ketch, then being a ship of certain persons (to the jurors aforesaid unknown), and then and there piratically and feloniously did make an assault in and upon certain mariners (whose names to the jurors aforesaid are unknown) in the same ship, in the peace of God, and of our said now

Second Indictment.

Sovereign Lord the King, then and there being, piratically and feloniously did put the aforesaid mariners of the same ship, in the ship aforesaid then being, in corporal fear of their lives, then and there in the ship aforesaid, upon the high sea, in the place aforesaid, distant about four leagues from Callicut aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, piratically and feloniously did steal, take and carry away the same ship, and the apparel and tackle of the same ship, of the value of £500 of lawful money of England; 11 bales of cotton of the value of £60 of lawful money of England; two horses, each of them of the price of £20 of lawful money of England; and 50 Indian quilts of the value of £5 of lawful money of England (the goods and chattels of certain persons to the jurors aforesaid unknown) then and there upon the high sea aforesaid in the aforseaid place, distant about four leagues from Callicut aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, being found in the aforesaid ship, in the custody and possession of the said mariners in the same ship, from the said mariners of the said ship, and from their custody and possession, then and there upon the high sea aforesaid, in the place aforesaid, distant about four leagues from Callicut aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, against the peace of our said now Sovereign Lord the King, his Crown and dignity, &c."

To both these indictments all the prisoners had previously pleaded not guilty.

The Clerk of the Arraigns—You the prisoners at the bar, William Kidd, Nicholas Churchill, James Howe, Robert Lamley, William Jenkins, Gabriel Loffe, Hugh Parrot, Richard Barlicorn, Abel Owens, and Darby Mullins, those men that you shall hear called, and personally appear, are to pass between our Sovereign Lord the King and you, upon trial of your several lives and deaths. If therefore you, or any of you, will challenge them, or any of them, your time is to speak unto them as they come to the book to be sworn and before they be sworn. William Smith, Benjamin Hooper, John Hibbert, John Pettit, William Hatch, Joseph Chaplain, Peter Gray, Robert Comfort, Thomas Hollis, William Ford, Thomas Stephens, John Dodson.

The Clerk of Arraigns—Crier, count these: William Smith.

A Crier—One, &c.

The Clerk of Arraigns—Benjamin Hooper.

A Crier—Two, &c. Twelve good men and true, stand together and hear your evidence.

[Then the usual proclamation for information was made; and the prisoners being bid to hold up their hands, the Clerk of Arraignments charged the jury with them thus:]

The Clerk of Arraigns—You of the jury, look upon the prisoners, and hearken to their cause. They stand indicted by the names of William Kidd, &c. (as before in the indictment). Upon this indictment they have been arraigned, and thereunto have severally pleaded not guilty; and for their trial put themselves on God and their country, which country you are. Your charge is to inquire whether they be guilty of the piracy and robbery whereof they stand indicted, or not guilty, &c.

Churchill—May it please you, my lord, I came in upon His Majesty's proclamation; and if that do not do, I throw myself upon the mercy of the honourable bench.

Baron Hatsell—If they will withdraw their plea, and confess the indictment, they may.

Churchill and Howe—We refer ourselves to the King's proclamation.

Dr. Oxenden—But do you confess the matter of the indictment? You may do that if you will, and then you need not be tried.

Owens—My lord, I came in upon the King's proclamation, and entered myself aboard one of the King's ships.

Dr. Oxenden—You must answer first, and come to your defence afterward.

Owens—I hope your honours will grant it me, as well as the rest; I entered myself into the King's service.

The Clerk of Arraigns—You of the jury, look on the prisoners and hearken to their cause. They stand indicted by the name of William Kidd, &c. They stand a second time indicted by the name of William Kidd, late of London, mariner (and so of the rest). Upon these two indictments they have been arraigned, and thereto have severally pleaded

not guilty. For their trials they have put themselves on God and their country, which country you are. Your charge is to inquire whether they are guilty of the said piracies and robberies whereof they stand indicted, or not guilty, &c.

Opening Speeches for the Crown.

Mr. KNAPP—May it please your lordship, and gentlemen of the jury, these are two several indictments against William Kidd and the others, and they are both for piracy. One sets forth that the prisoners at the bar, on the 20th of September, in the 9th year of His Majesty's reign, 15 leagues from Carrawar, did piratically invade and take a Moorish ketch, and put the mariners in fear of their lives. The other indictment sets forth that on the 27th of November, in the 9th year of His Majesty's reign, four leagues from Callicut, the prisoners at the bar did seize and take another Moorish ship; to both which indictments they have pleaded not guilty. If we prove the fact, you must find them guilty. We will call witnesses. The witnesses are the same. The whole story you have heard before, and we will apply ourselves now to these facts mentioned in these two indictments.

Mr. Justice TURTON—You must open your matter first, because there is a new jury.

Mr. KNAPP—Then, my lord, and gentlemen of the jury, this Captain Kidd went out of England in a ship called the *Adventure Galley*. He first went to New York, and there he set out articles to procure men, and promised them that would come into him a share in the adventures they should get. From thence he goes to Bab's Key, and lies about three weeks there, watching for the Mocha fleet; he sent his boat out three times to see in what condition the ships were. He could get no intelligence the two first times, but the third time he did; they brought him word there were fourteen or fifteen ships ready to sail, and that their colours were English, and Dutch, and Moorish. He lay in wait for these ships, and watched them. When they came down he fell in with them, and fired at them; but he found they were under an English and Dutch convoy, and so away he went and left them.

Mr Knapp

Then he came to cruise on the coast of Malabar, and there he met with his first prize, and that is the Moorish ship mentioned in the first indictment; they seized this Moorish ship, and entered her, took several goods out of her, and then let the ship go away. We will call our witnesses as to this ship first. Call Robert Bradinham.

Evidence for the Prosecution.

Robert Bradinham, examined by Mr. Knapp—About the beginning of May, 1696, we went out of England, and went to New York, in the *Adventure Galley*, whereof Captain Kidd was commander. We took a ship by the way, and carried her to New York, where we condemned her. This ship was a French banker. At New York Captain Kidd put up his articles, that if any would come aboard his ship they should be welcome; no purchase, no pay, mentioning that he had the King's commission. From thence we went to St. Jago, then to Madeiras, then to Madagascar, then to Bonavista, then to Johanna, and then to the Red Sea, and then to Bab's Key, where he lay three weeks looking for the Mocha fleet, which are merchantmen belonging to the Moors. From Bab's Key he sent out his boat three times; and the two first times they could get no intelligence. The third time they brought word that there were fourteen or fifteen ships in the harbour ready to sail. Captain Kidd then said that he would take as many of them as he could; and did not doubt but to make a voyage out of them. Before this there were some sent to the high land of the island to see if the fleet came; and when they saw it they were to give a sign with a half-pike and flag, and then the boat was to fetch them off. At last the fleet came down, and Captain Kidd went among them, and fired at them; but finding they were under a convoy, and too strong for him, he was forced to leave them.

From thence we went to Carrawar, and by the way about fifty leagues from Carrawar we met with a Moorish ship, of which Captain Parker was commander.

Mr. Knapp—My lord, that is the ship that they are indicted for.

Evidence for Prosecution.

Robert Bradinham

Examination continued—We took Captain Parker's ship, and took him aboard, and the Portuguese for a linguister. Captain Kidd took out some of the men, and bound their hands behind them, and ordered them to be drubbed with a naked cutlass. He took out of the ship some pepper and coffee, Arabian gold, and wearing apparel, and several other things. After he had plundered the ship he let it go, and kept Parker and the Portuguese aboard. There were about thirty men aboard Captain Parker's ship. Captain Parker told me he was an Englishman. Every one of the prisoners at the bar was in the ship when this was done.

By Mr. Justice Turton—They took out of that ship several bales of pepper, several bales of coffee, and some myrrh, which is a gum.

Examination continued—Captain Kidd made use of the myrrh to make pitch of it. The value of the myrrh was about £15.

We then went to Carrawar, where Captain Kidd watered his ship. At Carrawar there is an English factory; they sent some men aboard, and demanded this Parker and the Portuguese. The captain denied them, and kept them in the hold, and would not let them know he had them on board. I suppose that the English factory had received information from Bombay, by the mariners that went away, that Parker was on board Kidd's ship; for Captain Parker's vessel belonged to that place. Carrawar is about forty leagues from Bombay. After that Captain Kidd cruised on that coast, and then went to one of the Malabar islands, where he wooded and watered our ship. Captain Kidd went ashore there and burnt some houses, and plundered several boats. Some time in November—about the 17th of November—they took a Moorish ship; Skipper Mitchell was the commander.

Baron Hatsell—You need go no further now.

Mr. Knapp—We will call the other evidence, if you please, Mr. Solicitor.

The Solicitor-General—We will give our evidence upon both indictments together.

Mr. Knapp—They stand charged with taking another ship. You have heard how far we have carried it. Now they went and took another ship about the 17th of November.

Robert Bradinham

Examination continued—They took a Moorish ship, belonging to Surat, four leagues from Callicut. Captain Kidd took this Moorish ship on the coast of Malabar; Skipper Mitchell was the commander. He took out of her two horses, some bales of cotton, and some quilts. This Skipper Mitchell was a Dutchman, and his ship was about 150 tons burden. The ship belonged to Surat.

By Mr. Justice Turton—Was this on the coast of Callicut?—It was on the coast of Malabar, about seven or eight leagues from Malabar.

Examination continued—After this Captain Kidd set the people ashore, and kept the ship and carried her to Madagascar. The horses taken out of her were worth about £40; the cotton was about £100 value. I know that Skipper Mitchell was a Dutchman, because he told me so; he came afterwards aboard Captain Kidd, and took up arms under him. All the prisoners were aboard the *Adventure Galley* when this ship was taken.

By Baron Hatsell—You say this ship was about 150 tons. What might she be worth?—About £500.

To whom did she belong?—To the Moors that belonged to Surat, as I was informed by the Moors.

Examination continued—The ship was then carried to Madagascar, where she was sunk. She was sunk voluntarily.

Captain Kidd—This man contradicts himself in an hundred places.

Examination continued—The ship was sunk purposely. When we came to Madagascar there came off a canoe with the white men aboard that belonged to the *Mocha Frigate*; some of these men belonged formerly to Captain Kidd. She was supposed to be a pirate ship. They sunk the Moorish ship in the harbour, that she might be convenient for vessels to careen by. Some men came off in the canoe, and they told Captain Kidd they heard he was come to take them, and hang them. He said it was no such thing. The captain of the *Mocha Frigate* was Captain Culliford. He was reputed to be a pirate. Captain Kidd swore he would be true to them, and that he would do them no harm. I heard him swear to be true to them. Nothing was said

about Captain Kidd taking the *Mocha Frigate*. Afterwards Captain Kidd and Culliford were very friendly together, and they made presents to one another. Culliford gave to Captain Kidd some pieces of China silk, and Kidd bid Culliford take anything he had. Captain Kidd also supplied Culliford with two guns.

After we came to Madagascar Captain Kidd ordered the goods to be hoisted out and shared, and Captain Kidd had forty shares for himself. The goods of those ships were sold. The proceeds of the sale of those goods were kept by Captain Kidd, and when there was something worth sharing he shared it, and he had forty shares for himself.

By the Clerk of Arraigns—Nicholas Churchill and James Howe had whole shares; Lamley and Jenkins had half-shares.

Jenkins—How can he attest these wicked lies? I had nothing.

Examination continued—The captain divided out the shares.

Captain Kidd—He tells a thousand lies.

By the Clerk of Arraigns—Hugh Parrot had half a share of money and a whole share of goods; Barlicorn had half a share; Abel Owens had a whole share; Darby Mullins had half a share.

Cross-examined by Captain Kidd—Bradinham, pray what share had you?—If my lord ask me, I will answer him.

Had you any share?—Yes.

Did not you come aboard my ship and rob the surgeon's chest?—No, I did not.

Did not I come to you, when you went away, and met you on the deck, and said, "Why do you take the chest away?"—No, I did not do it.

Captain Kidd—You are a rogue.

Mr. Justice Turton—It were the same thing for him to confess it as to deny it if he had done it.

Captain Kidd—He did certainly do it.

Baron Hatsell—But he says he did not.

Mr. Justice Turton—Would you ask him any more questions?

Robert Bradinham

Cross-examination continued—Were there not any French passes aboard that ship?—I heard say there were; I did never see them.

Captain KIDD—I did not divide the things, but the men did what they pleased, and you took your share, and saw the French passes.

By Baron HATSELL—What ship is that you mean; that taken in September or that in November?—The Moorish ship, that Parker was commander of.

Captain KIDD—Just now he told you of two in November; now he says one in November, another in September.

Baron HATSELL—He says that in September, that Parker was commander of.

Captain KIDD—There was no such thing in November; he knows no more of these things than you do. This fellow used to sleep five or six months together in the hold.

Mr. Justice TURTON—I assure you he gives a very good account of the matter.

Baron HATSELL—Why did you give him a share then?

Captain KIDD—Because he was surgeon. As for the goods, they took it amongst them, and did what they pleased; I was never near them. They lay wait for me to kill me. They took away what they pleased and went to the island; and I, with about forty men, was left in the ship, and we might go whither we pleased.

The SOLICITOR-GENERAL—Captain Kidd, will you ask him any more questions?

Captain KIDD—No, no; so long as he swears it, our words or oaths cannot be taken.

The CLERK OF ARRAIGNS—Will you ask him any more questions?

Captain KIDD—No, no; it signifies nothing.

The CLERK OF ARRAIGNS—Nicholas Churchill, will you ask him any questions?

CHURCHILL—I came in upon His Majesty's proclamation, and rely upon that.

The CLERK OF ARRAIGNS—James Howe, will you ask him any questions?

Howe—I surrendered myself upon the King's proclamation, and plead guilty.

The Clerk of Arraigns—Robert Lamley, will you ask this witness any questions?

Cross-examined by Robert Lamley—Do you say I had half a share of money?—Yes.

Lamley—No, I had none.

The Clerk of Arraigns—It was your share, and you must make it appear, if you accounted for it to your master.

Lamley—If your lordship please, I was an apprentice.

Baron Hatsell—To whom was you a servant?

Lamley—I was an apprentice to Abel Owens.

By Mr. Justice Turton—Was Lamley an apprentice to Owens?—My lord, he was a servant to Owens, who was aboard then.

Mr. Justice Turton—He had half a share, but perhaps he might account for it to his master afterwards.

The Clerk of Arraigns—William Jenkins, will you ask the witness any questions?

Cross-examined by William Jenkins—I beg you may speak the truth, whether I was a servant?—My lord, he was a servant to George Bullen.

By Mr. Justice Turton—Was this Bullen aboard then?—Yes.

When both ships were taken?—Yes.

Cross-examined by Gabriel Loffe—My lord, when I came aboard the captain opened his commission there: did I ever disobey his commands?—Not that I know of.

Did you see me receive any share?—Yes, half a share of money and a whole share of goods.

Where?—In the great cabin.

The Clerk of Arraigns—What questions will you ask him, Hugh Parrot?

Parrot—May it please your lordship, I will give you an exact account from the time of my going out of England, in the month of October, 1695.

The Clerk of Arraigns—You may make your defence afterwards; in the meantime, will you ask him any questions now?

Robert Bradinham

Cross-examined by HUGH PARROT—I appeal to you whether you ever saw me do any such cruelty as you mention?—I cannot say you were the very man that did it, but those men were used so; they were hoisted up, and drubbed with a naked cutlass.

And then I ask you whether I ever went any further than my commander ordered me, or against the King's commission, as I thought?—I cannot say you did anything contrary to your commander's orders.

I ask you whether, when I might have went aboard this pirate, I did not stick close to my captain, and come home with him? And whether I had any inclination to leave him——

Mr. Justice TURTON—He knows not your inclination. Where did you leave Captain Kidd? Will you ask him that?

PARROT—I came home to Boston with Captain Kidd.

Cross-examination continued—Doctor, did I go away with them that left Captain Kidd?—You went with Captain Kidd to Madagascar.

PARROT—I came home with Captain Kidd, and surrendered myself to my Lord Bellomont.

The CLERK OF ARRAIGNS—Abel Owens, will you ask the witness any questions?

Cross-examined by ABEL OWENS—I ask the witness whether I did not surrender myself?—I cannot say anything to that.

The CLERK OF ARRAIGNS—Will you ask him any more questions?

OWENS—No, I stand to His Majesty's proclamation and the mercy of the honourable bench.

The CLERK OF ARRAIGNS—Darby Mullins, will you ask the King's witness any questions?

MULLINS—May it please you, my lord, I came in upon the King's gracious proclamation, as the King's evidence knows.

Cross-examined by DARBY MULLINS—Do you not know I came ashore with you about the 28th of May?—I know you went ashore.

I went ashore. I came home upon the King's proclamation. We went ashore at Cape May. I was very sick of the bloody-flux, and not able to travel, and was like to die every day. Is not that true?—My lord, I know this man was very sick in the passage. I was a passenger on board Captain Shelly's ship.

By Mr. Justice TURTON—How came he to come aboard Captain Shelly? Where did he leave Captain Kidd?—He left Captain Kidd at Madagascar, and took his passage with Captain Shelly afterwards, after these were taken.

How came he to leave Captain Kidd at Madagascar?—He went aboard Captain Culliford's ship. There was about 60 or 70 men went aboard Culliford.

He says he came in upon the King's proclamation to Cape May: do you know anything of that?—Yes.

Where is Cape May?—Off of Maryland, where Captain Shelly's ship was at anchor. Captain Gravenport came on board Captain Shelly's ship, and said he heard His Majesty's proclamation was out to receive pirates that would come in; and the men rejoiced that there was such a thing, and they went ashore at Cape May and surrendered themselves.

Did he go to the Governor?—I did not see him go ashore.

Cross-examination continued—You was aboard when I went ashore—I did not see you go ashore.

I was sick, and expected to die every moment?—Yes, you was sick.

Re-examined by the SOLICITOR-GENERAL—All was done before that time. Was he sick when he went ashore?—Yes.

Did he rejoice when he heard the King's proclamation was out?—I heard him say the King's proclamation was out, and he rejoiced with others.

Did he surrender himself to the Governor?—I cannot say that; he went ashore.

Mr. Justice TURTON—Gentlemen, I would not have you under any mistake that surrendering himself comes not under your consideration; it was after all the facts were done that the prisoner is charged with.

JOSEPH PALMER, examined by Mr. KNAPP—About the last of April, or beginning of May, Captain Kidd went from Plymouth to New York, and in the way took a French

banker, and carried her to New York, and condemned her there. At New York he set up articles to invite men to come aboard his ship; that if any would come aboard they should have a share of such treasure as he should take. He was to have forty shares himself, and every man a half or whole share.

About the 1st of September following he went from New York to Madeira, from thence to Bonavista, from thence to St. Jago, then to Madagascar, then to Malabar, then to Johanna, then to Mohilla, then to Johanna again, then to the Red Sea. There he watered, and took Guinea corn to victual his ship; and then to Bab's Key, near the Red Sea. From Bab's Key he sent out his boat three times to discover the fleet, and likewise some spies on the high land to look out on both sides, to see that the Moorish ships from Mocha did not pass by. He called the men by lot to look out, and he sent his boat out twice, and they returned without bringing any tidings. He sent the boat the third time, with orders to take a prisoner, or to see what ships lay there. The third time word was brought that there were about fourteen or fifteen ships lay in the road ready to sail, with Dutch, English, and Moorish colours. When this news came Captain Kidd ordered the men to go on the other side, on the high lands, to see that the ships did not pass by in the night; and in four or five days the ships came down, about the 14th of August. The fleet came down in the evening, and Captain Kidd went after them. Some of the men said, "We will go among them to-night." "No," says Captain Kidd, "we will go in the morning, and then we will take our choice."

By Captain KIDD—Did you hear me say so?—I heard you say so.

I am sure you never heard me say such a word to such a loggerhead as you?—These are the words I heard you say.

Examination continued—The next morning he fell in with this fleet, and went through them. There was a Dutch and English convoy; and they fired at one another.

By Mr. Justice TURTON—Who fired first?—The Dutch and English fired first. When we lay between the English and Dutch a Moorish ship came by, and he fired several shots after

her; and the English ship flung a shot almost home, and then he made sail and went out of the fleet.

Examination continued—From thence he went to Carrawar, and in the way—about fifty leagues from Carrawar—met with a ship, whereof Parker was commander, and there was one Antonio, a Portuguese. This happened about September.

Baron HATSELL—The witness is now come to speak to the ship for which the prisoners are indicted.

Examination continued—He fought the ship and took her, and took out of her several bales of coffee, and he retained only one bale, and sent the rest back again. He took a bale of pepper, and some myrrh to use instead of pitch. He took about 60 pound weight of pepper and about 30 pound weight of myrrh. I cannot say what was the value of the Arabian gold he took. I did not see any taken out then; but a pretty while afterwards, when Captain Kidd came to Carrawar, he gave every mess two pieces of Arabian gold. This was about ten or twelve days after the ship was taken. The pepper was divided among the messes, and all the prisoners had their share of it. Several of the men on board this Moorish ship were hoisted up and drubbed with a naked cutlass.

By Captain KIDD—Where was this done?—In your ship.

What ship?—The *Adventure Galley*.

Did not a parcel of rogues go aboard their ship and do it?

Examination continued—These men were treated like this because Captain Kidd thought they had more money in the ship. Parker was an Englishman, born in the north of England. He said so.

By Mr. Justice TURTON—Who else was detained besides Parker?—One Antonio, a Portuguese. Parker was detained for a pilot; the other for a linguister, to speak Moorish and Portuguese.

Examination continued—From thence we went to Carrawar, and watered and wooded the ship; and a great many of Captain Kidd's men left him there.[3a] These were the men who were arrested and sent home for examination at the Admiralty.

[3a] We know that two men deserted him there, and reported his piratic intensions at the English factory.

When he saw his men leave him he went to sea; he would not trust any more to go ashore. And the next evening he met a Portuguese man-of-war, and fought her, but did not take her.

By Mr. Justice TURTON—Did you know any that left him?—Peter Lehair, and Churchill, and others; they went to the English factory, to know whether they would entertain them or no.

Who went?—Lehair, Nicholas Churchill, and another; they went to know whether they should be entertained. They told them they were loth to entertain them, for fear Captain Kidd should know of it, and do them an injury.

Captain KIDD—My lord, a parcel of these men went ashore to run away with this ship.

By Mr. Justice TURTON—Were there any more of these prisoners at the bar that would have gone off besides Churchhill?—No; but he would have gone off.

How do you know that?—He told me so.

By Mr. Justice GOULD—Had they an opportunity to go off?—Some more were taken going afterwards, and had got a boat for that purpose; but they were taken, and Captain Kidd ordered them to be brought aboard and whipped at the gun.

By Captain KIDD—Certainly you have not the impudence to say that?—I say you ordered them to be whipped for attempting to go ashore.

Examination continued—That evening we went and met with a Portuguese man-of-war, as I have said. Then we went to the Malabar Islands to take in water. His cooper went ashore, and the natives cut his throat; and Captain Kidd sent his men ashore, and ordered them to divide themselves into squadrons, and to burn all the houses they came near, except the houses that had white flags upon them, because these people had helped us to water the ship.

There were a great many houses burnt. I heard what he did; I did not see it.

By Baron HATSELL—What do you know of any other ship?—About the 27th of November Captain Kidd took the ship *Maiden*, near Callicut. We spied a ship in the night, and chased her all night, and the next morning he took her.

Mr. Justice Turton

By permission of the Masters of the Bench of Gray's Inn

Evidence for Prosecution.

By Justice TURTON—What ship was that?—Skipper Mitchell was commander; it was a Moorish ship, belonging to Surat, and was taken in November. After that she was called the *November*.

Examination continued—Captain Kidd chased her under French colours, because this ship had French colours. When he hailed her it was in French, and this Skipper Mitchell answered in French. The Moorish ship had French colours after Captain Kidd put up French colours. I do not know what colours she had when she was chased at first. It was in the night. In the morning Captain Kidd hoisted up French colours, and then the Moorish ship likewise hoisted up French colours. Captain Kidd then fired three or four shots at the ship, and commanded them aboard; and Mitchell did so, and some of his men with him. Captain Kidd ordered Monsieur le Roy to be as captain; and he came from below deck, and received him as captain.

By Captain KIDD—Did you see that?—I did not see that; but I know he was ordered to do so, and he received you as captain. I was not in the cabin at that time. Monsieur le Roy received you as captain, and carried you aft. We hailed this ship in French, and bid him come aboard in French, and this Frenchman received you as captain. I heard him say that he brought a French pass along with him.

Examination continued—I heard people on board say that.

By Captain KIDD—Palmer, did you see that pass?—Indeed, captain, I did not.

Examination continued—There were on board this ship two horses, and ten or twelve bales of cotton, and some quilts, and Captain Kidd sold them at Malabar. Skipper Mitchell, the captain, was a Dutchman. I cannot tell the value of this ship, but she was about 150 tons burden. Captain Kidd sold the horses and the cotton to the Banians.[4] The proceeds of these sales Captain Kidd kept till they had a pretty deal of money together, and then they shared it. All the prisoners at the bar had a share of it.

[4] The contemporary name for all Hindus of Western India.

By the Clerk of Arraigns—Captain Kidd himself had a share; Nicholas Churchill and James Howe had whole shares; Robert Lamley, William Jenkins, and Gabriel Loffe had half-shares; Hugh Parrot had a whole share.

By Hugh Parrot—Did you see me have any share? Can you speak that to my face now? Did you see any of us have any?—When Captain Kidd shared this money I did not actually see him pay their shares; but he called every man by the list, and they came with their hats in their hands, and he gave them their money, and they swept it up and went away.

Examination continued—The prisoners at the bar were called by the list. None was missed that I know of.

By the Clerk of Arraigns—Richard Barlicorn had half a share, but whether his master had it or no afterwards I know not; Abel Owens had a whole share; Darby Mullins had a half-share.

Examination continued—I have already spoken of the Arabian gold that they had in messes. All the prisoners at the bar had a share of that. There was no difference.

Mr. Knapp—Now, if you will ask this witness any question, you may.

Captain Kidd—What signifies it to ask him any questions? We have no witnesses, and what we say signifies nothing.

The Clerk of Arraigns—Nicholas Churchill, will you ask him any questions?

Churchill—No; I have acknowledged all these crimes, and surrendered myself, and rely on the King's mercy.

The Clerk of Arraigns—James Howe, will you ask him anything?

Howe—No.

The Clerk of Arraigns—Robert Lamley, will you ask him anything?

Cross-examined by Robert Lamley—Mr. Palmer, how can you tell I had a half-share?—There was a half-share directed for you.

Lamley—I had not a farthing.

By Mr. Justice Turton—Was Lamley an apprentice?—Yes; he was servant to Mr. Owens.

Cross-examined by WILLIAM JENKINS—Can you say I had any share?—I know there was a half-share appointed for you; I know not whether your master had it.

By Mr. Justice TURTON—Was his master aboard then?—Yes; his master was aboard then.

The CLERK OF ARRAIGNS—Gabriel Loffe, have you any questions to ask him?

Cross-examined by GABRIEL LOFFE—Had I any share?—You had a half-share; I did not see you take it; but you were in the list.

By a JURYMAN—Did you see them come out with the money in their hats?—Yes.

Did Gabriel Loffe come out as contented as the rest?—No; because he had but half a share.

Cross-examination continued—Did you see me come out with my money?—I say you come out with money in your hat; and I heard you say you had half a share.

LOFFE—As I live, I had no hat then.

The CLERK OF ARRAIGNS—Have you any questions to ask him, Hugh Parrot?

Cross-examined by HUGH PARROT—Did you see me have any share?—I did not see you receive any share, but you was called among the rest.

How do you know I had a share? You did not see me in a year after?—I do not say I saw it given you.

Mr. Justice TURTON—He says they were all called, man by man, to take their share.

The CLERK OF ARRAIGNS—Richard Barlicorn, have you anything to ask him?

Cross-examined by RICHARD BARLICORN—I desire of him whether he saw me have any goods, or take any share?—My lord, when the goods were shared at Madagascar, I was at Bonavista; I was not present, but I heard of it afterwards.

I hope the jury will take notice of this. Besides, was not I an apprentice to Captain Kidd, and waited on him continually in the ship?—Yes, you were.

By Mr. Justice TURTON—Had he a share allotted to him?—Yes; but I am apt to think his master had it.

Joseph Palmer

Who was his master?—Captain Kidd.

Were these shares such as were agreed on in the articles at New York?—Yes; Captain Kidd ordered the goods to be hoisted out.

By Captain KIDD—Did I order the goods to be hoisted out?—Yes, you did.

Captain KIDD—My lord, it was the mutinous men that did it. There were 95 men that deserted my ship, and took away what they pleased; we could not stand in defence of anything.

The CLERK OF ARRAIGNS—Abel Owens, have you anything to say for yourself?

OWENS—I refer myself to the King's proclamation.

The CLERK OF ARRAIGNS—Darby Mullins, have you anything to say for yourself?

Cross-examined by DARBY MULLINS—I came to Cape May, where I heard of the King's proclamation. Did not you and I come ashore together?—Yes, we did, the same day.

Did we come ashore on the King's proclamation?—We did hear of it.

Did not you hear that all the men were glad at the news when they heard of the proclamation?

By the CLERK OF THE COURT—What did these men say then?—They all rejoiced to hear of such a thing.

Cross-examination continued—From the time I came from Madagascar I was sick of the bloody-flux; I could not walk a mile in a day?—I know you was sick.

MULLINS—I have no more to say. I stand to your lordship's mercy and the King's gracious proclamation.

Mr. Justice TURTON—If you have any witnesses to call for yourselves, you may call them. Captain Kidd, what have you to say for yourself? You may make your defence, first for that ship taken in September, then for that in November.

Captain KIDD—What is it the nearer for me to speak? I have no witnesses for these things.

Baron HATSELL—Yesterday you produced your commissions; if you will, they may be read now.

Captain KIDD—It availed nothing then. Here is all these men saw the French pass.

Palmer—Indeed, captain, I never saw it.

Captain Kidd—You left my ship, with 95 men more, and you went a-roguing afterwards.

The Solicitor-General—Why did you go aboard that pirate?

Captain Kidd—My lord, I had a design to take that frigate, and then I designed to come for England. (To Palmer)—I would not go with such a roguish crew as you were. Was not I threatened to be shot in the cabin by such villains as you if I would not go along with you? This was the reason I could not come home. Did not you, with others, set fire to the boat to destroy my ship?

Palmer—I know nothing of that; but I am sure I saved your life on the Malabar Island when you burnt the boat.

Captain Kidd—My lord, they took what they pleased out of this ship, and I was forced to stay by myself and pick up here a man and there a man, to carry her home. Here are some gentlemen here, I desire they may be heard as to my reputation. Here is Colonel Hewson.

Mr. Justice Turton—What do you ask Colonel Hewson?

Evidence for the Prisoner Captain Kidd.

Colonel Hewson, examined by Captain Kidd—My lord, Captain Kidd was a mighty man in the West Indies. He served under my command. He was sent to me by the order of Colonel Codrington.

By the Solicitor-General—How long was this ago?—About nine years ago. He was with me in two engagements against the French, and fought as well as any man I ever saw, according to the proportion of his men. We had six Frenchmen to deal with, and we had only mine and his ship.

Examination continued—Do you think I was a pirate?—I know his men would have gone a-pirateering, and he refused it, and his men seized upon his ship. And when he went this voyage he consulted me, and told me they had engaged him in such an expedition. I told him he had enough already, and might be contented with what he did. He said it was not his own inclination; but my Lord Bellomont told him if he did not go the voyage that there

Colonel Hewson

were great men, and they would stop his brigantine in the river if he did not go.

By Mr. Justice TURTON—Who told you so? Did he?—Yes, my lord.

If he had kept to the honest design of that expedition, he had done very well. Did you apprehend that his intention in that undertaking was to be a pirate?—No, my lord. He told me his business was to go a-cruising, and surprise pirates.

Cross-examined by the SOLICITOR-GENERAL—Did he tell you he had no such design?—Yes; he said he would be shot to death before he would do any such thing. I know he was very serviceable in the West Indies.

THOMAS COOPER, examined by Captain KIDD—I was aboard the *Lyon* in the West Indies, and this Captain Kidd brought his ship from a place that belonged to the Dutch, and brought her into the King's service at the beginning of the war, about ten years ago. He took service under the colonel; and we fought Monsieur Du Cass a whole day, and, I thank God, we got the better of it. Captain Kidd behaved himself very well in the face of his enemies.

By a JURYMAN—How many years ago was this?—About ten years ago.

EDWARD DAVIS, examined by Captain KIDD—I heard that Captain Kidd had some French passes, and I saw them.

By the SOLICITOR-GENERAL—How do you know they were French passes?—He told me they were French passes; I did not know it. I could not read them.

By Mr. Justice TURTON—They showed you the papers; did you know what ship they belonged to?—No, my lord, not I.

Captain KIDD—I desire Captain Hunt may be called, to know what my Lord Bellomont said of me.

Baron HATSELL—That will signify nothing.

Captain KIDD—My lord, I desire this commission may be read.

Baron HATSELL—Is it under the broad seal?

Mr. CRAWLEY (Registrar of the Court)—It is a letter of

mart and reprisals, my lord. [Then the commission, dated the 11th of December, 1695, was read.]

Captain KIDD—Now, my lord, in pursuance of this commission, I went and took these ships, which had French passes on board, and my Lord Bellomont took them by force from me.

Mr. Justice TURTON—You took one French ship, and acted in a regular manner to condemn her; but did you do so with the rest?

Captain KIDD—I could not carry these ships home, by reason my men had left me.

Mr. Justice TURTON (*to Robert Bradinham*)—Mr. Bradinham, with what number of men did you go out of England?—With about seventy men.

What number had you when you went from New York?—About 155.

So that your number was increased?—Yes, my lord.

Was there any other ship condemned besides the French banker?—No, my lord.

Captain KIDD—These men were some of them that left me and took the goods; what was left I carried with me.

The CLERK OF ARRAIGNS—Nicholas Churchill, what have you to say for yourself?

CHURCHILL—My lord, I plead guilty and rely on the King's proclamation.

The CLERK OF ARRAIGNS—James Howe, have you anything to say for yourself?

HOWE—I plead guilty, my lord.

The CLERK OF ARRAIGNS—Robert Lamley, have you anything more to say?

LAMLEY—I can say nothing, for I have none of my friends here.

The CLERK OF ARRAIGNS—Hugh Parrot, have you any more to say?

PARROT—The evidence cannot prove that I had any share. I came with my commander from Madagascar, and he paid me an hundred pieces of eight, and my Lord Bellomont seized all. And I had opportunity enough to have gone a-pirateer-

ing with Captain Culliford, but I told them I would not; and I came to my Lord Bellomont and surrendered myself.

The Clerk of Arraigns—William Jenkins, have you any more to say?

Jenkins—I was an apprentice, my lord.

The Clerk of Arraigns—Gabriel Loffe, have you anything to say for yourself?

Evidence for the Prisoner Gabriel Loffe.

Loffe—My lord, I was a servant under Captain Kidd, and always obeyed his commands, and had no share. I came home with Captain Kidd to Boston, and went to my Lord Bellomont, and the men came and told us he had discharged us, and I went about my business. Some days after we were committed to prison, and I was sick, and my lord let me be in the keeper's house, and I was trusted by him four or five months with the keys to look after the prisoners. Mr. Davis can testify this. If I had had a mind to have done any ill thing I might have done it then.

Edward Davis, examined by Gabriel Loffe—Pray, Mr. Davis, declare what you know of me when I came to Boston, and how the keeper entrusted me with the prisoners?—I remember when we came there to Rhode Island Captain Kidd sent him home. When he came to Boston he was trusted with the keys, and had liberty to go where he pleased, not out of the yard.

By Mr. Justice Turton—Was this after he was a prisoner?—Yes, my lord.

Loffe—I hope the jury will take notice of this.

The Clerk of Arraigns—Richard Barlicorn, have you anything to say in your own defence?

Barlicorn—I desire witness may be called to know whether I was not a servant aboard?

Mr. Justice Turton—The King's evidence say you were.

The Clerk of Arraigns—Abel Owens, what have you to say?

Owens—I own myself guilty; I came in upon the King's proclamation.

Evidence for Darby Mullins.

The Clerk of Arraigns—Darby Mullins, what have you to say?

Evidence for the Prisoner Darby Mullins.

Mullins—I did what I did under the King's commission; I obeyed my captain, and came home with him; I durst not for my life do otherwise. Examine the witnesses, and they will not say otherwise.

Robert Bradinham, examined by Darby Mullins—Did I do anything against the captain's command?—I cannot say but he did always obey the captain's commands.

Cross-examined by the Solicitor-General—Did he not go aboard Captain Culliford afterwards?—Yes, my lord.

Mullins—I went for want.

The Clerk of Arraigns—Have any of you any more to say?

Parrot—My lord, I did not go out of England with Captain Kidd, but I shipped myself on board a merchantman bound for Newfoundland, and I was taken by a French privateer; and afterwards coming to Madagascar Captain Kidd was there, and he took a pistol to shoot me, but I avoided it. But hearing afterwards that Captain Kidd had the King's commission, I went aboard him.

Mr. Justice Turton—Had he any commission to take any goods from the King's subjects?

Baron Hatsell—Captain Kidd says the seamen forced him from the ship, and you shared the goods yourselves.

Parrot—He does not say so of us. My lord, with submission, be pleased to ask my commander whether I ever disobeyed his commands or was forced to attempt any ill thing, or did anything of that which is alleged against me?

Captain Kidd—Mr. Bradinham, are not you promised your life to take away mine?

Mr. Justice Turton—He is not bound to answer that question. He is very fit to be made an evidence for the King; perhaps there can be no other in this case than such who are in his circumstances.

Parrot—With submission, I ask the evidence whether I ever disobeyed the captain's orders.

Mr. Justice TURTON—The captain's orders will excuse you in honest things, but not in unlawful actions.

PARROT—As for the ships that were taken, I had no hand in it.

Mr. KNAPP—But you received your share, and knew of the robbing of the ships.

Charge to the Jury.

Mr. Justice TURTON—Gentlemen of the jury, here is William Kidd, Nicholas Churchill, James Howe, Robert Lamley, William Jenkins, Gabriel Loffe, Hugh Parrot, Richard Barlicorn, Abel Owens, and Darby Mullins, the prisoners at the bar, who are all indicted for piracy, or piratical and felonious taking a Moorish ship on the high seas, about fifty leagues from Carrawar in the East Indies, and seizing the goods that were in that ship, to a considerable value. They are also indicted for the piratical and feloniously taking another ship, which was likewise a Moorish ship, with the tackle and apparel thereof, to the value of £105, four leagues from Callicut in the East Indies. To these indictments they have pleaded not guilty. Whether they are guilty or not you are to determine on the evidence you have heard.

I need not tell you the heinousness of this offence wherewith they are charged, and of what ill consequence it is to all trading nations. Pirates are called *hostes humani generis*, the enemies to all mankind; but they are especially so to those that depend upon trade. These things that the prisoners stand charged with are the most mischievous and prejudicial to trade that can happen. But, as it is not my business to aggravate the offence, so it is yours to consider whether they, or any of them, are guilty or not.

Two witnesses have been produced for the King, and both of them were concerned in all the transactions relating to the prisoners. By their evidence it appears that in the year 1696, about the beginning of May, Captain Kidd, who was captain of the *Adventure Galley*, was fitted out on a very good design; for he was to take pirates, and to seize the ships and effects of the King's enemies: that was the end of this expedi-

tion. He went out from Plymouth with about seventy Englishmen; they sailed to New York, and in their passage they seized a French vessel, and that vessel was condemned in a due manner, and that was pursuant to their commission.

When they came to New York there were other things in contemplation. Captain Kidd made a proclamation to give notice that if any would come aboard him, he proposed terms for their encouragement; that they should be sharers in all they could acquire; he himself would have forty shares because the ship, arms, ammunition, and provisions were his; and the rest should be divided proportionable to those that should be aboard him. And whereas they went out with seventy men, there their number was increased to 155, for with that number he sailed from New York.

The witnesses tell you whither they went afterwards. I will not mention all the particular places, but only such where anything remarkable was done. They say they came to a place called Bab's Key. There, it seems, they had an intention to observe a fleet, called the Mocha fleet. At Bab's Key they stayed about three weeks, and in that time Captain Kidd sent his boat three times to Mocha, where this fleet was; the two first times they brought no certain account, but the last boat that was sent brought intelligence that there were fourteen or fifteen ships lay in the river or harbour there, and were ready to sail, and that they had Dutch colours, English colours, and Moorish colours. Captain Kidd said then he expected to make a considerable advantage of them. After this advertisement he sent some men to the high lands to observe the motion of this fleet, who, after some time, gave notice that the fleet was coming, and then he went out with his vessel. As they tell you, he went into this fleet, and discharged some guns at them; but they having a convoy, he found he was not a match for them, and that it would be in vain to attempt anything further on so great a disadvantage, and so that design was frustrated. But it must be observed that these ships were all English, Dutch, and Moorish, and none of them French, which shows Captain Kidd's inclination to take such ships, for which he had no authority by any commission.

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But they tell you, after this, when he had met with this disappointment, then he sailed towards the coast of Carrawar, and there they met with the first Moorish ship that he is now charged with. This ship they seized, and took one Parker, who was the captain; they seized him, and also a Portuguese, whom they made use of as an interpreter, and some of the men, whom they treated in a barbarous manner. They tell you that there happening to be an English factory near that place, and they of that factory understanding that this Parker and the Portuguese were on board the ship, they went to demand them, and Captain Kidd denied them, and said there was no such men on board, and yet he had hid them under the deck. You are also told by the witnesses what they found and seized on board this ship, viz., pepper, coffee, myrrh, and some gold. They have told you the gold was shared amongst them, and in specie, as I remember; every mess had two pieces, and the rest of the goods were divided amongst them in proportion, according to their original agreement, or they had their shares of the money for which they were sold. This was the first ship that he stands charged with the piratical taking of; and this ship was a Moorish ship, and did belong to the natives of that place.

Then it appears they went to the coast of Malabar, and there they took the other ship that he is charged with by the other indictment; the first was taken in September, and this in November. There was on board that ship two horses and several bales of cotton and some other goods, and this also belonged to the Moors, and one Skipper Mitchell, a Dutchman, was captain of her. When they had taken this ship they went to Madagascar, and there, it is told you, they sunk this vessel; and they having several other goods that they had taken out of another vessel, the goods were sold, and divided between the captain and the rest of the men, according to their several proportions. It is proved to you that every one of these prisoners had some share of the product of those goods.

Now, to show what Captain Kidd was, and that he was a favourer of those he ought to have opposed, there was another pirate there, one Captain Culliford, who had a vessel

that he used to the same purpose, called the *Great Mahomet*. He, having heard of Kidd's commission, had a jealousy that Captain Kidd had a design to take him and his company; but Captain Kidd told them he had no such design; he was so far from that that he assured them, nay, swore, he would be true to them. There were great appearances of friendship between Captain Kidd and Captain Culliford; they made mutual visits to each other; and Captain Kidd accommodated Culliford with some guns, and gave him liberty to take anything he had; and Captain Culliford likewise presented Captain Kidd with China silks. This also is given in evidence to show that Captain Kidd had a piratical design in all this, and that he did assist those that were engaged in the like design with him, instead of endeavouring to suppress them.

The first witness, Robert Bradinham, has declared all this to you; likewise Joseph Palmer has spoken to the same purpose, though something more than the other. He tells you how they went ashore on one of the Malabar Islands, and how they burnt some houses, and did other very barbarous things; but that concerns not this matter for which they are now indicted. He tells you also that when they took one of these ships, whereof Captain Parker was commander, they took two of the men on board that ship, and hoisted them up, and used them severely; which they did, to cause them to discover what things of value they had on board; but it seems they had nothing of any considerable worth on board. However, this shows that Captain Kidd had a design to act piratically. The witness gives you an account of all the transactions in taking the two ships and disposing of the goods and dividing of the money. Indeed, he says, when the distribution was made, he was not in the cabin, but tells you he heard the list called over, and all the other prisoners severally went in, and brought out their shares in their hats, or otherwise, and did not hear any one complain that he had not his share.

There are three persons that were servants: they are Robert Lamley, who was servant to Owens, the cook; William Jenkins, who was servant to the mate; and Richard Barlicorn, who was servant to Captain Kidd. Now, though these

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might have their shares delivered them, yet it is to be presumed that they were to be accountable to their masters; and they being servants, I suppose you will think to distinguish them from the rest.

This is the sum of the evidence given for the King; and, indeed, this seems to be as strong an evidence against the prisoners at the bar as can be. They did endeavour to take the Mocha fleet, but they were too strong for them. They could have no suspicion that they were French, for they had English, Dutch, and Moorish colours. So that Captain Kidd could have no pretence from his commission to look after these ships. There were no French among them, and yet there he lay three weeks waiting for them; but they did actually take these two ships mentioned in the indictments, and disposed of the goods, and shared the product among themselves. Here is all the evidence that can be given of piracy.

Now, Captain Kidd, when he comes to make his defence, tells you he had a commission, and it was produced (and that is no more than what is common in time of war), whereby he is authorised to take the ships and goods of any of the subjects of the French King; but it is penned with great caution. He is to take none but the goods and ships of the French King, or his subjects, and he is to keep an exact account of all that he takes, and to procure them to be condemned in the Admiralty. If he had pursued this commission, and gone no further, it had been well; he had done justly, and answered the end on which he was sent out. And it does appear that the first vessel that he took in his passage to New York was thus condemned; but afterwards I do not find that he had any regard to his commission, but waited for that great Mocha fleet a considerable time, I think about three weeks; and being disappointed there, he afterwards did take these two ships mentioned in the indictment. It does not appear that they were French ships, neither were there any French passes on board. One of the witnesses indeed says he heard of French passes, but neither he, nor any other person that has been produced, has seen one of them. I do not observe that his commission does in any manner of way tend to excuse the captain in taking both, or either of these

ships. One of them was under an English commander, which was Parker, the other under a Dutchman, there being no Frenchmen aboard, only Le Roy, who was made a kind of a mock captain by Kidd, to serve a present turn. But what Captain Kidd has said from his commission is so far from justifying him that it seems rather an aggravation of his crime; for he that will go out with the King's commission on a just and laudable design to take the ships and effects of the French King in war, and also to destroy pirates —which were the principal ends of his being fitted out to sea—and instead thereof will turn pirate himself, making use of the force with which he was entrusted for the promoting of his piratical purposes, and for the felonious taking the ships and goods of those that were in amity with the King of England, appears to be guilty of a manifest breach and violation of his trust, attended with very aggravating circumstances.

As for those three that were servants, I must leave it to you whether they did act otherwise than they might do. A servant is to obey his master, but it must be in things lawful and honest; if they did anything else, you, who have heard the evidence, will consider of their guilt, and whether their cases differ from the rest. But there is some probability that their shares might be accounted for to their respective masters.

As to the rest, there are some of them that do pretend they did surrender themselves: one of them to Mr. Riches, a justice of peace in Surrey, others to Colonel Bass, who was a commander in East Jersey. It does appear that they did surrender themselves accordingly; but that does not come under your consideration. You are to consider only whether they are guilty of the facts they are charged with or no. As to what effect their surrendering themselves may have with His Majesty must be left to the King's royal pleasure, but we are to consider the evidence. The prisoners generally say they did obey the captain, and that they understood he had the King's commission. Truly, so far as he pursued the King's commission, they were to obey him; but when he acts contrary to the King's commission, in acts of piracy upon the ships, goods, and effects of the King's friends, and those

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in amity with the Crown of England, they should have been so far from obeying and assisting him that they should have obstructed him and seized him, that he might have been brought to justice, and that would have been a greater vindication of their innocencies. But, as the matter appears, I do not see that anything they have said tends to their defence, and therefore I must leave it to your consideration.

Indeed, there are some witnesses appear for Captain Kidd. Colonel Hewson gives you this account of Captain Kidd that he was under his command in the beginning of the war, and that he fought, and behaved himself very well, and was serviceable in the West Indies. He says he discoursed with him about his going out on this expedition and that Kidd said he had no inclination to go. Mr. Cooper likewise tells you that about ten or twelve years ago he knew him, and that he fought the French, and behaved himself very well at that time; and that several of his men ran away with his ship when he was at Antegoa.

Then there is Gabriel Loffe, who has produced a witness for himself, one Davis; and Davis tells you he was a prisoner in New York, by order from my Lord Bellomont. At first they were some days there before they were taken into custody. There was so little apprehension of his being a dangerous man that he had some favour allowed him, and had a great deal of liberty. This is what he says. I find not that any of the rest have produced any evidence, only they say they were under the commander, and were to observe him; but if that would excuse them, then all pirates would be excused.

As to Captain Kidd, it seems he has woefully transgressed the business of his commission, and acted contrary to the end and design of his being sent out, and in the piratical taking the ships and goods mentioned in the indictments, in which the other prisoners at the bar have joined with him. They were, so far from being the ship and goods of the French King or his subjects or pirates, the ships and goods of persons of other nations in amity with the King of England. If you believe these witnesses, that Captain Kidd has taken these ships in a piratical manner, and that the other persons assisted him in it, and had their shares of the money and goods, which is an evidence of their consenting to, and

spontaneous acting, I believe you will think fit to find them guilty; but I leave it to you. As to these three persons that were servants, I must leave their case to your consideration, whether you will think fit to distinguish them from the rest, or not.

[The jury then retired. After half-an-hour's absence, they returned into Court and answered to their names.]

The Clerk of Arraigns—Gentlemen, are you all agreed of your verdict?

Omnes—Yes.

The Clerk of Arraigns—Who shall say for you?

Omnes—Foreman.

The Clerk of Arraigns—William Kidd, hold up thy hand (which he did). Look upon the prisoner. How say you? Is he guilty of the piracy and robbery whereof he stands indicted by the first indictment, or not guilty?

The Foreman—Guilty.

The following were also found guilty:—Nicholas Churchill, James Howe, Gabriel Loffe, Hugh Parrot, Abel Owens, and Darby Mullins; the servants, Robert Lamley, William Jenkins, and Richard Barlicorn, were found not guilty.

In like manner Captain Kidd and the same six prisoners were found guilty on the other indictment, the three servants being found not guilty.

FOURTH TRIAL.

THE TRIAL

OF

CAPTAIN WILLIAM KIDD,

AND OTHERS,

at the Old Bailey, 9th May, 1701,
on two further Indictments for Piracy.

The Judges and Crown Counsel were the same as at the Second and Third Trials.

FOURTH TRIAL.

9th May, 1701.

Captain Kidd and the other nine prisoners were thus tried upon the two following indictments :—

First Indictment :

" The Jurors for our sovereign lord the king do, upon their oath, present, that William Kidd, late of London, mariner; Nicholas Churchill, late of London, mariner; James Howe, late of London, mariner; Robert Lamley, late of London, mariner; William Jenkins, late of London, mariner; Gabriel Loffe, late of London, mariner; Hugh Parrot, late of London, mariner; Richard Barlicorn, late of London, mariner; Abel Owens, late of London, mariner; and Darby Mullins, late of London, mariner; the 28th day of December in the 9th year of the reign of our sovereign lord William the 3rd, by the grace of God of England, Scotland, France and Ireland, king, defender of the faith, &c., by force and arms, &c., upon the high sea, in a certain place distant about four leagues from Callicut, in the East Indies, and within the jurisdiction of the Admiralty of England, did piratically and feloniously set upon, board, break and enter a certain ketch, called a Moorish ketch, then being a ketch of certain persons (to the jurors aforesaid unknown) and then and there piratically and feloniously did make an assault in and upon certain mariners (whose names to the jurors aforesaid are unknown) in the same ship, in the peace of God, and of our said now sovereign lord the king, then and there being, piratically and feloniously did put the aforesaid mariners of the same ketch, in the ketch aforesaid then being, in corporal fear of their lives, then and there in the ketch aforesaid, upon the high sea, in the place aforesaid, distant about four leagues from Callicut aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, piratically and feloniously did steal, take, and carry away the said ketch, and the apparel and tackle

of the same ketch, of the value of £50 of lawful money of England; thirty tubs of sugar-candy, of the value of £15 of lawful money of England; six bales of sugar, of the value of £6 of lawful money of England; and ten bales of tobacco, of the value of £10 of lawful money of England, the goods and chattels of certain persons (to the jurors aforesaid unknown) then and there upon the high sea aforesaid, in the aforesaid place, distant about four leagues from Callicut aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, being found in the aforesaid ketch, in the custody and possession of the said mariners in the same ketch, from the said mariners of the said ketch, and from their custody and possession, then and there upon the high sea aforesaid, in the place aforesaid, distant about four leagues from Callicut aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, against the peace of our said now sovereign lord the king, his crown and dignity, &c."

Second Indictment:

"The Jurors for our sovereign lord the king do, upon their oath, present, That William Kidd, late of London, mariner; Nicholas Churchill, late of London, mariner; James Howe, late of London, mariner; Robert Lamley, late of London, mariner; William Jenkins, late of London, mariner; Gabriel Loffe, late of London, mariner; Hugh Parrot, late of London, mariner; Richard Barlicorn, late of London, mariner, Abel Owens, late of London, mariner, and Darby Mullins, late of London, mariner; the 20th day of January, in the 9th year of the reign of our sovereign lord, William the 3rd, by the grace of God of England, Scotland, France and Ireland, king, defender of the faith, &c., by force and arms, &c., upon the high sea, in a certain place, distant about 12 leagues from Callicut, in the East Indies, and within the jurisdiction of the Admiralty of England, did piratically and feloniously set upon, board, break, and enter a certain ship, called a Portuguese ship, then being a ship of certain persons (to the jurors aforesaid unknown), and then and there piratically and feloniously did make an assault in and upon certain mariners, subjects of the king

of Portugal (whose names to the jurors aforesaid are unknown) in the same ship, in the peace of God, and of our said now sovereign lord the king, then and there being, piratically and feloniously did put the aforesaid mariners of the same ship, in the ship aforesaid then being, in corporal fear of their lives, then and there in the ship aforesaid, upon the high sea, in the place aforesaid, distant about 12 leagues from Callicut aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, piratically and feloniously did steal, take, and carry away two chsets of opium, of the value of £40 of lawful money of England; 80 bags of rice, of the value of £12 of lawful money of England; one ton of bees-wax, of the value of £10 of lawful money of England; 30 jars of butter, of the value of £10 of lawful money of England; and half a ton of iron, of the value of £4 of lawful money of England, the goods and chattels of certain persons (to the jurors aforesaid unknown) then and there upon the high sea aforesaid, in the aforesaid place, distant about 12 leagues from Callicut aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, being found in the aforesaid ship in the custody and possession of the said mariners in the same ship, from the said mariners of the same ship, and from their custody and possession, then and there upon the high sea aforesaid, in the place aforesaid, distant about 12 leagues from Callicut aforesaid, in the East Indies aforesaid, and within the jurisdiction aforesaid, against the peace of our said now sovereign lord the king, his crown and dignity, &c."

To both these indictments all the prisoners had previously pleaded not guilty.

The prisoners being called to the bar, and the jury called, and Captain Kidd challenging those that had tried him for the murder, the twelve that were sworn are as followeth, viz., Joseph Watson, Joseph Villers, George Ashby, Edward Fenwick, Gilbert East, Thomas Humfrevil, Thomas Plaisted, Samuel Rown, Marmaduke Bludder, John Scot, John Reynolds, Richard Drew.

The Clerk of Arraigns—Cryer, count these: John Watson.

Cryer—One, &c. Twelve good men and true, stand together, and hear your evidence.

[Then the usual proclamation for information was made; and the prisoners being bid to hold up their hands, the Clerk of Arraigns charged the jury with them thus:]

The Clerk of Arraigns—You of the jury, look upon the prisoners, and hearken to their cause. They stand indicted by the names of William Kidd, late of London, mariner, &c., (as before in the indictment). Upon this indictment they have been arraigned, and thereunto have severally pleaded not guilty, and for their trial have put themselves on God and their country, which country you are. Your charge is to inquire whether they be guilty of the piracy and robbery whereof they stand indicted, or not guilty, &c.

Churchill—I plead guilty, my lord; I submit myself to the King's proclamation.

The Clerk of Arraigns—James Howe, do you stand to your plea?

Howe—Guilty, my lord; I submit to His Majesty's gracious proclamation.

The Clerk of Arraigns—Robert Lamley, what do you say?

Lamley—Not guilty.

Mr. Justice Turton—You may enter their retracting their pleas in Court.

The Clerk of Arraigns—William Jenkins, what say you? Do you stand to your plea?

Jenkins—Not guilty.

The Clerk of Arraigns—Gabriel Loffe, what say you?

Loffe—Not guilty.

The Clerk of Arraigns—Hugh Parrot, what say you?

Parrot—Not guilty.

The Clerk of Arraigns—Richard Barlicorn, what say you?

Barlicorn—Not guilty.

The Clerk of Arraigns—Abel Owens, what say you?

Owens—Guilty. I came upon the King's proclamation.

Mr. Knapp—The jury is not to be charged with them three men.

The Clerk of Arraigns—Here is a second indictment against them, wherein they stand indicted by the name of

Second Indictment.

William Kidd, late of London, mariner, &c. (as in the former charge). What must I say now?

Mr. Justice TURTON—Ask them three whether they stand to their plea to this indictment, or retract it?

The CLERK OF ARRAIGNS—Nicholas Churchill, do you confess this indictment?

CHURCHILL—Yes, my lord.

The CLERK OF ARRAIGNS—James Howe, what say you?

HOWE—Guilty of that and all the other.

The CLERK OF ARRAIGNS—Abel Owens, what do you say?

OWENS—Guilty of that and all the other.

The CLERK OF ARRAIGNS—Set them three by. Gentlemen of the jury, here are William Kidd, Robert Lamley, William Jenkins, Gabriel Loffe, Hugh Parrot, Richard Barlicorn, and Darby Mullins, who have been indicted upon two several indictments that have been read; and for trial have put themselves on God and their country, which country you are.

Opening Speeches for the Crown.

Mr. KNAPP—My lord, and gentlemen of the jury, these are two several indictments of piracy against William Kidd and the six other prisoners at the bar. The first sets forth that these prisoners, the 28th of December, in the 8th year of His Majesty's reign, about four leagues from Callicut, did piratically enter a certain ship, called a Moorish ship, and that they took her, with the apparel and tackle, and took out of her several goods that have been read to you in this indictment. To this indictment they have pleaded not guilty. If we prove them guilty, you must find them so. The other indictment sets forth that on the 9th of January, &c., they took another ship, a Portuguese ship; and to this also they have pleaded not guilty. If we prove them guilty you must find accordingly.

SOLICITOR-GENERAL—My lord, and gentlemen of the jury, I am counsel for the King against the prisoners at the bar. They stand indicted for several piracies committed on two ships, and our evidence against them will be to this purpose:

Captain Kidd.

Solicitor-General

Captain Kidd had two commissions, one was to take pirates, the other was to take French ships. William Kidd, in his ship the *Adventure Galley*, went out of England in the year 1696. He afterwards went to New York, and there he increased the number of his men. From thence he went away with a resolution to commit the piracies, some of which he has been convicted of already. Then he went to Bab's Key, and laid in wait to intercept the Mocha fleet; but was disappointed of that, they being well guarded. He went afterwards to other places, and took two ships, which were not the ships here mentioned. After that he seized a ship, called a Moorish ship, ten leagues from Callicut, and there seized one of the ships for which he is now indicted, a Moorish ship, and takes out of her sugar-candy, and other goods, to the value of about £25. In January following he meets another ship, and seizes her too, and takes out of her to the value of £60. These goods he disposes of, and divides the proceeds of it between himself and the crew of the ship.

This is the piracy for which he is now indicted. The matter you are to inquire into is whether they be guilty of piracy on these two ships, or no? We will call our witnesses; and, if we prove them guilty, I doubt not but you will do right to your country and them. Mr. Bradinham, these gentlemen have not been upon the jury before; therefore you must give an account of the whole matter from the beginning, from you going out to Plymouth.

Evidence for the Prosecution.

Robert Bradinham, examined by the Solicitor-General —In the year 1696, the beginning of May, we went from Plymouth to New York in a ship called the *Adventure Galley*. By the way Captain Kidd took a French ship, which he condemned when he came to New York. At New York he put up his articles, to get men aboard his ship, and they were to have a share of what was taken. About the 6th of September we sailed.

By Mr. Justice Gould—What number of men had you when you went from England?—About 70 men.

How many had you when you went from New York?—About 150.

Examination continued—The 6th of September we sailed from New York, and went to Madeiras, then to Bonavista, then to St. Jago, then to Madagascar, then to Johanna, then to Mohilla, then to Johanna again, then to Meta, in the Red Sea, and then to Bab's Key. He lay there about a fortnight or three weeks, to wait for the Mocha fleet, and sent out his boat three times to make a discovery: the two first times they made no discovery, but the third time they brought information that they were ready to sail.

By Mr. Baron HATSELL—What was the Mocha fleet?—They were Moorish ships.

To what end did Captain Kidd wait for them?—He said he would make a voyage out of them.

Examination continued—He ordered some men to look out for them on the high lands. When they saw them coming they were to give notice, and he was to fetch them off in the boat. This fleet came, and he fell in with them, and fired at them; but they being under convoy, he was forced to quit them. Then going to Carrawar, he met with one Parker's ship; he took this Parker's ship, and took him for a pilot and the Portuguese for a linguister. Two of the men were brought on board the *Adventure Galley*, and they were hoisted up, and drubbed with a naked cutlass, that they might make discovery of their riches. Out of that ship they took some coffee, pepper, and other goods. He carried the two men with him to Carrawar. When he came there they were demanded by the English factory there, and he denied them, and said he had no such men aboard; he had confined them aboard in the hold. After this he put to sea, and the next day he met with a Portuguese man-of-war, and fought her.

Captain KIDD—He tells nothing but mere lies.

Examination continued—Then he went to the Malabar Islands, and watered and wooded, and caused his men to burn several houses, and plundered several boats, and afterwards burnt them.

By Mr. Justice TURTON—Did you see them burnt?—I was not ashore, but I saw the smoke.

Captain Kidd.

Robert Bradinham

Captain KIDD—It is a fine trade that you must take away so many of the King's subjects' lives, and know nothing at all of the matter!

Examination continued—He took the ship and disposed of the goods, and carried her to Madagascar. Then he went to the Malabar Islands some time in December, and he took a Moorish ketch.

Captain KIDD—How came you to keep this account, when for five or six months together you were under deck? I hope the King's counsel will not put him in the way. It is hard that a couple of rascals should take away the King's subjects' lives. They are a couple of rogues and rascals.

Examination continued—This ketch was taken by the ship's crew about December, 1697, and one of the boat's crew was wounded at the taking of this ketch. In this ship there were some tubs of sugar-candy, tobacco, and other goods. They were carried aboard and shared into messes, two tubs and a half of sugar candy to a mess. The prisoners at the bar all had shares. Then Captain Kidd set the ship on fire.

By the CLERK OF ARRAIGNS—Had Captain Kidd himself any share?—Yes.

How much had he?—He had forty shares.

By Mr. Baron HATSELL—Will you tell this jury how many shares the whole was divided into?—It was divided into 160 shares, and Captain Kidd was to have 40 shares, let them be as many as they would, and the rest were to be divided among the men. Robert Lamley, William Jenkins, Gabriel Loffe, Hugh Parrot, Richard Barlicorn, and Darby Mullins had shares.

Examination continued—After they had done these things they burnt the ketch. The Moors were then driven ashore by the ship's crew.

By Captain KIDD—How did you know they were Moors?—By information of the ship's crew.

Captain KIDD—He was not within five leagues of the place.

Examination continued—Afterwards we met with a Portuguese ship. Some time in January we met with a Portuguese ship on the coast of Malabar, and he took her;

and he took out of her some opium, some East India goods, some powder, and sixty or seventy bags of rice.

The Solicitor-General—My lord, this is the other ship for which they are indicted.

Examination continued—There were some East India goods, opium, powder, and rice.

By Captain Kidd—Did you see them brought aboard?—I am answering the Bench.

Examination continued—Were there any other goods?—Yes, there was bees-wax and thirty jars of butter. The value of these goods was about four or five hundred pounds.

Captain Kidd—It is a fine trade indeed that he must be instructed what to say!

Examination continued—After he had plundered this ship he was pursued by some Dutch ships; several ships gave him chase, and he was forced to leave this ship. He sold the opium on the coast, and the rest he kept for provision. The money which was obtained for these goods was shared out by Captain Kidd. The prisoners at the bar had shares—Captain Kidd, Robert Lamley, William Jenkins, and Gabriel Loffe each had half a share.

By Gabriel Loffe—How do you know that? Did you see me bring it out?—I did not see you take it; but you brought it out, and acknowledged it.

By Captain Kidd—Before, you swore I paid them first, and now you say they paid me first?—They had a share as before.

Examination continued—After this we went a-cruising on that coast, and we met with the *Quedagh Merchant*, and took her; and afterwards, about 50 leagues from the Cape, we met with a Moorish vessel. Captain Kidd sent his men on board that vessel, and they took out of her ten jars of butter and a main-sail; and he took out two of the men (that he carried to Madagascar) because he wanted men. Then he took about a dozen Malabar boats, and plundered them, and then let them go. Then we came to Madagascar. There came a canoe off; some of the men in this canoe belonged to the *Mocha Frigate*. They came off to Captain Kidd, and they told him they heard he was come to take them, and

hang them. These men were supposed to be pirates, and the commander of the *Mocha Frigate* was Captain Culliford.

Captain KIDD—How came you to know this? He says anything.

Examination continued—This canoe came aboard Captain Kidd, and they told him they heard he was come to take them, and hang them; but he assured them it was no such thing. He went aboard the frigate, and swore to be true to them, and that he would aid them in anything he had; and Captain Culliford came aboard him, and they made presents to one another. Captain Kidd gave Culliford shirting stuff.

By Captain KIDD—What! Did I give him shirting stuff? —Yes; and you gave him two great guns.

Did I go aboard him, you rascal?

The SOLICITOR-GENERAL—Mr. Kidd, ask him what questions you will.

Mr. Justice TURTON—Captain Kidd, will you ask this witness any questions?

Captain KIDD—My lord, what signifies it. Were there not 90 of the men that mutinied? I said, let us take this ship; and, did they not all consult and say, where is one that will fire against the pirates, there are ten that will fire against you. And so they went and took the goods and left me.

Cross-examined by Captain KIDD—I ask you whether this be not true?—My lord, he never spoke anything like it, that he would take Culliford; but he swore to be true to them.

Did not I propose to my men to take Captain Culliford? Did you never hear anybody say so?—No.

Did you not say yesterday that I was come to take them? —I said they came and told you they heard so; and you assured them you intended no such thing.

You swore I gave them four guns yesterday, and now you say but two.

The SOLICITOR-GENERAL—It was Palmer that said four.

BRADINHAM—I said but two, and no more.

The CLERK OF ARRAIGNS—Captain Kidd, have you anything more to ask him?

Captain KIDD—It signifies nothing to ask him anything.

The CLERK OF ARRAIGNS—Robert Lamley, will you ask this witness anything?

Cross-examined by ROBERT LAMLEY—I only ask him whether I was not an apprentice?—My lord, he was a servant.

By Mr. Justice TURTON—To whom?—To Mr. Owens.

Was his master aboard then?—Yes, my lord.

The CLERK OF ARRAIGNS—William Jenkins, will you ask the witness anything?

Cross-examined by WILLIAM JENKINS—I desire him to say whether I was a servant or not?—Yes, my lord, he was servant to the mate.

By Mr. Justice TURTON—Was his master aboard then?—He was aboard then.

The CLERK OF ARRAIGNS—Gabriel Loffe, will you ask him any questions?

LOFFE—No, sir.

The CLERK OF ARRAIGNS—Hugh Parrot, will you ask him anything?

PARROT—No.

The CLERK OF ARRAIGNS—Richard Barlicorn, will you ask this witness anything?

Cross-examined by RICHARD BARLICORN—I have nothing to ask him; but desire him to speak the truth, whether I was not a servant?—He was, my lord.

The CLERK OF ARRAIGNS—Darby Mullins, will you ask him anything?

MULLINS—I have nothing to say but what I said before. I submit myself to the King's gracious proclamation.

Captain KIDD—He has perjured himself in many things.

Mr. Justice TURTON—In what? Give an instance?

Captain KIDD—In a great many instances; about the guns, that is one thing; and then he says, the ship went from Plymouth the beginning of May, and before he said it was in April, that is another thing; and, my lord, the mariners came and took anchors, and cables, and what they would, and he says I gave them to them, and this is false. Now he says contrary to what he did before; for then he

said we went out in April, and now in the beginning of May.

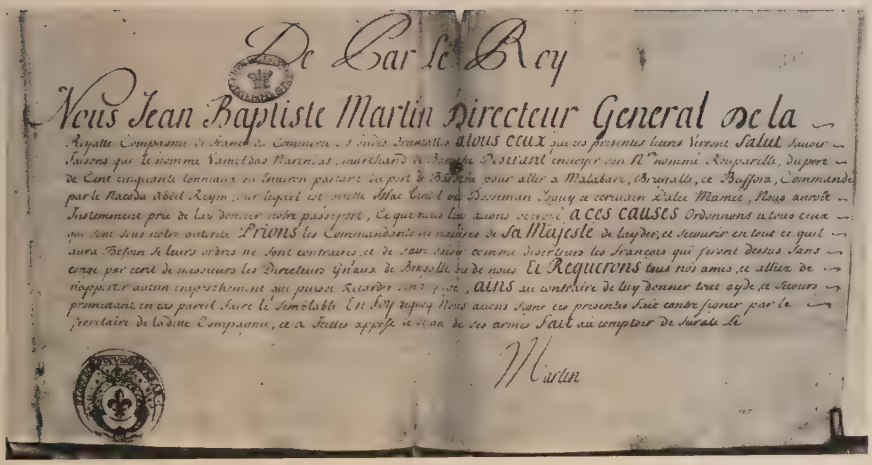
Mr. Justice TURTON—He did not confine himself to a day; he said about the beginning of May.

The SOLICITOR-GENERAL—Call Joseph Palmer.

JOSEPH PALMER, examined by the SOLICITOR-GENERAL—We went from Plymouth to New York in the year 1696, and in the way took a French ship, and carried her to New York and sold her. There he put up articles to invite men aboard his ship, and what they took was to be divided into so many shares, whereof Captain Kidd was to have 40, the rest to be divided among the men. In September following we went from thence, and we had then about 160 men. From thence we went to Madeiras, from thence to Bonavista, then to St. Jago, then to Johanna, then to Mohilla, then to Johanna again, and then to Meta, in the Red Sea, where he watered and wooded his ship, and then to Bab's Key, a small island in the Red Sea. When he came there he ordered his men to look out on the high lands for the Mocha fleet, and expected the fleet to come that way. He sent some men in his boat with orders either to take a prisoner, or to bring word what ships were there. He sent his boat twice, and they made no discovery; but the third time they went they came within sight of the ships, and brought word that there were fourteen or fifteen sail lying there with Dutch, and English, and Moorish colours, and a great ship with red colours, ready to sail. Then Captain Kidd ordered his men to look out on the other side the high lands, for fear the ships should pass him; and at last the ships came down.

Captain KIDD—There is no great occasion for this.

Examination continued—There were Moors and Turks belonging to these ships. And about the 15th of August the fleet came down, and Captain Kidd fell in with them. His quartermaster and some of his men were saying, let us go aboard them to-night. "No," says he, "we will take our choice of them in the morning." In the morning he went among them, and fired at them, but took none of them; he found they were too strong for him, and went away. After this, going to Carrawar, he took a ship called the *Maiden*. It was between Carrawar and this place.



De par le Roy

Nous Jean Baptiste Martin Directeur General de la
Royalle Compagnie de France du Commerce des Indes Orientalles, A TOUS CEUX qui ces presentes lettres Verront SALUT Sçavoir
faisons que le nommé Nameldas Marcenias, marchand de Surate, Pesrani envoyé par le nommé Rougarelli, dupore
de Cent cinquante tonneaux ou environ partant du port de Barsera pour aller a Malabare, Bringalle, ce Bassora, Commande
par le Nacoda Abdel Reym, sur lequel est chargé Effets Cuivre et autres Ecritures Datez Mamet, Nous aurons
Instamment prié de leur donner notre passeport, Ce que nous leur avons accordé A CES CAUSES Ordonnons a tous ceux
qui sont sous notre autorité Voulons les Commandants et maîtres de Sa Majesté de laquelle ce Sçavoir en tout ce qui
aura Besoin de leurs ordres ne sont contraires, ce de sauf saisir comme deserteurs les François qui seront dessus Sans
congé par ecrit de messieurs les Directeurs Généraux de Bruxelle ou de nous Et Requerons tous nos amis, ce alliez de
n'apporter aucun empeschement qui puisse Retarder son voyage, MAIS au contraire de luy donner tout ayde, ce secours
pretendant en cas pareil faire le Semblable En foy dequoy Nous avons signé ces presentes Icelle contre signées par le
Secretaire de ladite Compagnie, ce a Icelles apposé le Sceau de ses armes Fait au comptoir de Surate Le

Martin

The French pass carried by "The Maiden" and seized by Kidd
(Now in the Public Record Office, London)

They reckoned they were not far from the island of St. John. He took this ship, and took out of her some pepper, a bale of coffee; and some more bales of coffee came on board, but he retained only one bale and the pepper, and said he would not cumber his ship with such stuff. Parker and a Portuguese he took out, one for a pilot, the other for a linguister; and two of the men he ordered to be hoisted up and whipped with a naked cutlass.

By Captain KIDD—I ask this one thing: did the Mocha fleet fire first at me, or I at them?—No, they fired first.

Captain KIDD—And just now the other said I fired first: is not he perjured?

Mr. Justice TURTON (*to Robert Bradinham*, recalled)—Did he fire first or no?—He fired at them; I only said he fired at them; I did not say first or last.

Examination of Palmer continued—After this he went to Carrawar, to an English factory, and wooded and watered his ship, and one Harvey came and demanded these two men. Captain Kidd denied that he had any such men on board, and kept them in the hold. This was an English factory. Several of Captain Kidd's men left him there, and several more would have left him, if they could have conveniently gone ashore, and the same evening he put to sea he met a Portuguese ship, and fought her.

By Captain KIDD—Who fired first?—The Portuguese fired first.

Captain KIDD—You do not tell that story right.

Examination continued—After he left this Portuguese ship he went to the Island of Malabar, and robbed the natives, and set their houses on fire, and took one of the natives, and bound him to a tree, and shot him to death; I saw the houses on fire. Afterwards he went to Callicut, and met with a Moorish ship in November; Skipper Mitchell was commander. There were taken out of her two horses, and cotton, and quilts. This ship he carried to Madagascar. Some time in December following we came to the coast of Malabar. It was in December, 1697. We met with this ship about twelve leagues from Callicut. She was a Moorish ketch, of about 50 tons burden. Captain Kidd was lying at anchor,

and this ketch came between him and the shore; and he sent the boat, and they brought the ketch to the ship, and took out of her thirty bales of sugar-candy, tobacco, sugar, and myrrh.

When they had taken the goods out, they were shared between the men in messes, seven men to a mess, for their own spending. All the prisoners at the bar had a share. I cannot say whether Captain Kidd had 40 shares of that or not. Afterwards they burnt the ship. Some time in January they met with a Portuguese ship, off of Anjingo, an English factory; it was a pretty way off shore. She was a Portuguese ship.

Captain Kidd—You said it was just by Callicut yesterday.

Examination continued—It was on the coast of Malabar; it might be about ten or twelve leagues from Callicut. When the ship was taken there were in her two chests of Indian goods, two chests of opium, some rice, butter, wax, and iron. Truly I cannot tell the value of these goods. Captain Kidd put the wax and iron on board the *November*,[5] and some on board his own ship. Captain Kidd sold the opium on the coast, but he did not sell any of the other goods there. He only kept the ship seven or eight days, and then he quitted her; there were some Dutchmen coming, and he sunk that ship. The produce of the ship was shared. The prisoners at the bar all had shares. William Kidd had a share; Robert Lamley, William Jenkins, Gabriel Loffe, Hugh Parrot, Richard Barlicorn, and Darby Mullins each had shares. These goods were shared, and we bought provision with them.

By Captain Kidd—You say this ship was taken off of Anjingo, and that it was twelve leagues from Callicut, and this Anjingo is fifty leagues from Callicut?—It is all upon one coast.

Examination continued—When they arrived at Madagascar they found a ship called the *Resolution*; Captain Culliford was commander. Several of the men came off to Captain Kidd that were formerly acquainted with him. They said, "We hear you are come to hang us." Says he,

[5] The *Maiden* (so-called because she was taken by them in November).

"It is no such thing." Afterwards they went aboard each other, and Captain Kidd made protestations to be true to them. There were four guns in the ship, and he presented these guns to Culliford.

Captain KIDD—Did I present him with my guns? Because I would not turn pirate, you rogues, you would make me one!

By Baron HATSELL—What did Captain Kidd say to Culliford when they were drinking together?—They made a tub of bomboo, as they call it (it is made of water, and limes, and sugar), and there they drank to one another; and, says Captain Kidd, "Before I would do you any damage I had rather my soul should broil in hell-fire."

Examination continued—This occurred on the quarter-deck of the *Mocha Frigate*. The men in that ship were pirates. Captain Kidd never suggested taking these men.

The SOLICITOR-GENERAL—Now you may ask him what questions you will.

Captain KIDD—There were twenty of them on board, and left me.

PALMER—Captain Kidd and Culliford were as great friends as could be.

The SOLICITOR-GENERAL—Ask him what questions you please.

Captain KIDD—It signifies nothing to ask any questions; a couple of rogues will swear anything.

The SOLICITOR-GENERAL—Will you ask him any questions?

Captain KIDD—No.

The CLERK OF ARRAIGNS—Robert Lamley, will you ask him any questions?

LAMLEY—No.

The CLERK OF ARRAIGNS—William Jenkins, will you ask him any questions?

JENKINS—No; I have no more to say, but what I said before.

The CLERK OF ARRAIGNS—Gabriel Loffe, have you anything to ask him?

LOFFE—No.

The Clerk of Arraigns—Hugh Parrot, will you ask the witness any questions?

Parrot—No.

The Clerk of Arraigns—Richard Barlicorn, will you ask him anything?

Barlicorn—No.

The Clerk of Arraigns—Darby Mullins, will you ask him anything?

Mullins—No; but only I say I came home upon His Majesty's proclamation; I came voluntarily, expecting to have the benefit of it with the evidence.

Mr. Justice Turton—That does not fall under the jury's consideration.

The Clerk of Arraigns—You, the prisoners at the bar, will you say anything for yourselves upon these two indictments?

Captain Kidd—I will not trouble the Court any more, for it is a folly.

The Clerk of Arraigns—Robert Lamley, what have you to say for yourself?

Lamley—Nothing, but that I was a servant.

The Clerk of Arraigns—William Jenkins, what have you to say?

Jenkins—I was a servant, my lord.

The Clerk of Arraigns—Gabriel Loffe, have you anything to say?

Cross-examined by Gabriel Loffe—My lord, I ask him whether I have ever acted anything in taking these ships, but only under my captain's commands?—He acted as other men did.

The Clerk of Arraigns—Hugh Parrot, have you anything to say?

Parrot—I can say no more than I have said.

The Clerk of Arraigns—Richard Barlicorn, have you anything to say?

Barlicorn—My lord, I am a servant.

The Clerk of Arraigns—Darby Mullins, what have you to say?

Cross-examined by Darby Mullins—Did not Captain

Kidd often say his commission would bear him out in what he did?—Yes; I have heard him often say that.

Mr. Justice TURTON—But how came you to go aboard, Culliford?

MULLINS—For want, my lord.

Charge to the Jury.

Mr. Justice TURTON—Gentlemen of the jury, here are several persons, viz., William Kidd, Robert Lamley, William Jenkins, Gabriel Loffe, Hugh Parrot, Richard Barlicorn, and Darby Mullins, they all stand indicted for piracy. Indeed, there are three more indicted with them, viz., Nicholas Churchill, James Howe, and Abel Owens; but they have confessed themselves guilty, and you are now eased of any inquiry concerning them, and are only to consider of the other seven, who are indicted upon two several indictments: one is for the piratical and felonious taking away a Moorish ketch, to the value of £50, and the goods therein to the value of £100; this was in December, 1697; and the other is for piratically seizing and taking away goods to the value of £70 from the Portugal ship, twelve leagues from Callicut, in the East Indies. Now to these two indictments these prisoners at the bar have pleaded not guilty; and, whether they are so or no, you are to determine upon the evidence given you. There have been two witnesses produced for the King, Robert Bradinham and Joseph Palmer. I will not trouble you with the repetition of their distinct evidence, because they agree in all things; and if I mention what one has said, it is, in effect, what the other said also.

It appears that Captain Kidd, with seventy persons aboard his ship, called the *Adventure Galley*, went from England in the year 1696, having a commission of mart and reprisal, to take the vessels, ships, and goods of the French King, or any of his subjects, he then being at war with the King of England; and another commission for seizing pirates. He has not indeed produced these commissions to you now, though he did on another trial. But he went out on a very honest design, and in pursuance of it he took a French ship in his passage to New York, and brought her thither, and

Mr Justice Turton

had her legally condemned. But while he was there it appears that he had other thoughts possessed him, and wicked intentions to turn pirate, and not to take them. That he might be well manned, he makes proclamation amongst the mariners there, that such of them as would come aboard his ship, and assist him in his enterprises, should have their shares of what prizes or booties could be taken; and he proposed that he would have 40 shares for himself, and the rest should be equally distributed amongst the mariners according to agreement, the whole being divided into 160 shares, as I remember. By this means his number was increased from 70 to 150.

They set sail from New York, and (after many places mentioned by the witnesses) they came to a place called Bab's Key, which it seems is in the Red Sea. There they stayed a considerable time, I think about three weeks, and this was in expectation to meet with the Mocha fleet, which he intended to make a prize. During his stay at Bab's Key he sent his boat three several times to get intelligence of this fleet: the two first times there was no account of anything; but the third time there was notice brought that they were ready to sail, and that they had English, Dutch, and Moorish colours. And when he had this intelligence, to prevent their escaping him, he sends men ashore, to go on the high lands, to observe when they did actually sail; and when he had notice that they were under sail, he likewise sailed, and went through the fleet, and made some shots at some of the ships; but it appearing that they had a convoy, and that they were too strong for him, he quitted the prize there, of which he had so great expectation.

Afterwards he went on and took his course towards Carrawar, and there he takes a Moorish ship; and Parker, an Englishman, the commander of her, and a Portuguese also were taken out of her. From thence they went to Malabar, and there he sent some men ashore, and there they burnt some houses. After that he took a Moorish ship, for which they have been tried. Afterwards, in December, 1697 (now I come to the first indictment), upon that very coast, some leagues from Callicut, they took a Moorish ketch, and this ketch and the goods aboard it, which were some quantities of sugar-candy, sugar, and tobacco. It seems these goods

were shared between them aboard the ship. The witness is not confident what share the captain then had, but what the captain had not was divided amongst them. The witnesses say they burnt this ketch, because she was not useful to them, and the men that went on board were put ashore. Now, this is the matter of the first indictment, the piratically seizing and plundering this ketch, and taking the goods out of her, and dividing them amongst the prisoners. Both the witnesses prove there was a distribution of them.

They then come to the next month, and that is January. This is the matter of the second indictment, for piratically taking several goods, to the value of £70, from the mariners of the ship called the Portugal ship. These witnesses prove the taking of this ship on the coast of Callicut; and there were aboard this ship several sorts of goods, opium, rice, bees-wax, butter, and other sorts of goods, which they judge might be worth four or five hundred pounds. Now, after this there were some Dutch ships that gave chase to the captain, and he was forced to leave the ship; but he took some of the goods into his own ship, and the rest were sold, and the money divided among the men. The captain called them one by one into his cabin, and so they had their several shares, according to the proposals at New York. It is not possible for them to say they saw every man's share paid; but they say that they were all called by name to receive their shares, and they went into the cabin for that purpose, and they believe they had all their shares according to agreement, because none complained that they had it not.

Gentlemen, there is but one thing more that I will mention to you. When they came to Madagascar there was one Culliford, who was a pirate. He sent some of his crew aboard, to know whether Captain Kidd was not come with a design to seize them, and hang them; and he declared he had no such design. And he and Culliford were extremely kind to one another, and made visits and presents to each other. Captain Kidd gave two guns to Culliford, as one of the witnesses says; but the other witness says there were four guns that he gave to Culliford, who was engaged in the same design of piracy; and Culliford presented other things to Kidd.

Mr Justice Turton

But now, gentlemen, the business you are to inquire into is the piratical taking of these ships. The witnesses have positively and directly proved not only the taking the ships, but the seizing the goods and selling them, and sharing the money. If these witnesses say true, as nothing appears to the contrary by the prisoners cross-examining them, or otherwise, they are not at all contradicted, or their credibility made questionable. They are such as are most likely to know what was done, being with them in the whole voyage, and engaged with them in those enterprises. And if you can give entire credit to the witnesses, you will probably find these persons guilty of the piracy they are charged with, which I leave to your consideration.

There are three of them that are servants, and perhaps you may think their case is different from the rest: Robert Lamley, who was a servant to Owens, the cook; William Jenkins, who was servant to the mate; and Richard Barlicorn, who was servant to Captain Kidd. And though the witnesses do prove that they had their several shares of the goods and money, yet, notwithstanding, they being servants, their masters might be entitled to their shares. So that if you believe they were servants, and commanded to serve and assist their masters in what they did, I must leave it to you whether you will think fit to distinguish their case from the rest. I do not find that the others say anything material in their own defence; they have called no witnesses at all. The captain lays the blame on the men, and the men seem to lay the blame on him. He went out on a good design, to take pirates, had he pursued it; but instead of that, it appears that he turned pirate himself, and took the ships and goods of friends instead of enemies, which was a notorious breach of trust, as well as a manifest violation of law. The evidence seems strong against them, which I leave to you to consider of.

[Then the jury withdrew, and after a short space brought in their verdict.]

The Clerk of Arraigns—Are you all agreed of your verdict?

Omnes—Yes.

The Clerk of Arraigns—Who shall speak for you?

Omnes—Foreman.

The Clerk of Arraigns—William Kidd, hold up thy hand. [Which he did.] Look upon the prisoner. How say you? Is William Kidd guilty of the piracy and robbery whereof he stands indicted in the first indictment, or not guilty?

The Foreman—Guilty.

Gabriel Loffe, Hugh Parrot, and Darby Mullins were also found guilty; Robert Lamley, William Jenkins, and Richard Barlicorn were acquitted.

[The same verdict was given to all the prisoners upon the other indictment.]

Robert Culliford, Nicholas Churchill, Darby Mullins, and John Eldridge were arraigned for taking the ship called the *Great Mahomet*, and seizing the goods to a considerable value, to which they pleaded not guilty.

Robert Culliford, Churchill, Howe, and Mullins were again indicted for another ship taken piratically by them, to which they pleaded not guilty.

Robert Culliford and Robert Hickman were again arraigned for piratically seizing another ship, called the *Satisfaction*, to which they pleaded not guilty.

Robert Culliford and Robert Hickman were again indicted for piracy committed on a Moorish ship, to which they pleaded not guilty.

[Then the Court proceeding to the trials of the persons aforementioned, Robert Culliford retracted his plea, and pleaded guilty, and argued his coming in upon His Majesty's proclamation, and his case being particular, was argued by his counsel for the benefit of His Majesty's pardon. And Churchill, Howe, Mullins, and Hickman, likewise pleading guilty, John Eldridge was tried by himself, and found guilty.]

After the trials were over, judgment against Culliford was respited, and he set aside; the other prisoners were called to the bar in order to receive their sentence, as follows:

The Clerk of Arraigns—William Kidd, hold up thy hand. [Which he did.] What canst thou say for thyself?

Thou hast been indicted for several piracies, and robberies, and murder, and hereupon hast been convicted. What hast thou to say for thyself why thou shouldst not die according to law?

Captain KIDD—I have nothing to say, but that I have been sworn against by perjured and wicked people.

The CLERK OF ARRAIGNS—Nicholas Churchill, hold up thy hand. What hast thou to say, &c.?

CHURCHILL—I came in upon His Majesty's proclamation.

The CLERK OF ARRAIGNS—James Howe, what hast thou to say, &c.?

HOWE—I came in upon the King's gracious proclamation, and hope I shall receive the benefit thereof.

The CLERK OF ARRAIGNS—Gabriel Loffe, what hast thou to say, &c.?

LOFFE—Not guilty.

The CLERK OF ARRAIGNS—Hugh Parrot, what has thou to say, &c.?

PARROT—I came and surrendered myself to my Lord Bellomont.

The CLERK OF ARRAIGNS—Abel Owens, what hast thou to say?

OWENS—I came in upon His Majesty's proclamation, and desire the benefit of it.

The CLERK OF ARRAIGNS—Darby Mullins, what hast thou to say, &c.?

MULLINS—I came home upon the King's gracious proclamation.

The CLERK OF ARRAIGNS—John Eldridge, what has thou to say, &c.?

ELDRIDGE—I have but little to say. I am accused but for one thing, and that is all, and I have been falsely accused. I cast myself on your lordships and the honourable bench.

The CLERK OF ARRAIGNS—Robert Hickman, what hast thou to say, &c.?

HICKMAN—I came in according to the King's proclamation; I came in within the time limited.

[Then proclamation for silence was made while sentence was pronouncing.]

Sentence.

The Clerk of the Court—You, the prisoners at the bar, William Kidd, Nicholas Churchill, James Howe, Gabriel Loffe, Hugh Parrot, Abel Owens, Darby Mullins, Robert Hickman, and John Eldridge, you have been severally indicted for several piracies and robberies, and you, William Kidd, for murder. You have been tried by the laws of the land, and convicted. Nothing now remains but that sentence be passed according to the law. And the sentence of the law is this:

"You shall be taken from the place where you are, and be carried to the place from whence you came, and from thence to the place of execution, and there be severally hanged by your necks until you be dead. And the Lord have mercy on your souls."

Captain Kidd—My lord, it is a very hard sentence. For my part, I am the innocentest person of them all, only I have been sworn against by perjured persons.

APPENDICES.

APPENDIX I.

The Grant of Pirates' Goods.

"William the Third, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, etc., To our Right Trusty and Well-Beloved Counsellor, Sir John Somers Knight, our Keeper of our Great Seal of England, Greeting.

"We will and command you, That, under our said Great Seal of England, in your custody being, you cause these our letters to be made forth Patents in form following:

"William the Third, by the Grace of God, etc; To all to whom these Presents shall come, or may be any wise concern, Greeting. Whereas upon divers Complaints and Informations to Us made, That Thomas Too, John Ireland, Thomas Wake, William Mace alias Maze, and divers other our Subjects, Natives, or Inhabitants of New England, New York, and elsewhere in our Plantations in America had associated themselves with divers other Wicked and ill-disposed Persons in order to commit, and did frequently commit, many great Piracies, Robberies, and Depredations upon the Seas in the Parts of America and in other Parts and Places, in Violation of the Laws of Nations; to the Obstruction and Discouragement of Trade and Navigation; and to the Loss and Prejudice of our Subjects, and the Subjects of our Friends and Allies, and also to the Dishonouring of our Royal Authority in case any of our Subjects, guilty of such great and detestable Enormities, should go unpunished: We did, by our Commission under our Great Seal of England, bearing Date the 26th Day of January, in the Seventh Year of our Reign, in order to bring the said Pirates, Free-booters, and Sea Rovers, and their accomplices to justice, give and grant full power and Authority to Captain William Kidd, Commander of the Ship *Adventure Galley*, and to the Commander of the said Ship for the Time being, to apprehend, seize, and take into Custody, the said Thomas Too, John Ireland, Tho. Wake, and William Maze, and all other Pirates, Free-booters, and Sea Rovers, of what Nation soever, whom he should find, or meet with, upon the said Coasts or Seas of America, or in any other Seas or Parts, with their Ships and Vessels, and all such Merchandizes, Money, Goods, and Wares, as should be found on board of them; and in case of Resistance to fight with and compel the said Pirates, Free-booters and Sea Rovers to yield; and them to bring or cause to be brought to a legal Tryal, to the end that they might forthwith suffer condign Punishment, according to their Demerits: And we did also, by the same Commission, require the said Captain William Kidd to keep an exact Journal of

his Proceedings, in relation to the Execution of our Royal Pleasure in the said Premises; and therein to set down the Names of such Pirates, and of their Ships and Vessels as he should, as aforesaid, seize or take; and also to specify the quantities and particulars of the Arms, Ammunition, Provision, and Loading, of such Ships, and the true Values thereof: And whereas the said Ship *Adventure Galley* was with our Knowledge and Royal Encouragement, fitted out to Sea, for the Purpose aforesaid, at the great and sole charges of our right trusty and right well-beloved Cousin Richard Earl of Bellomont in the Kingdom of Ireland, and our trusty and well-beloved Edmund Harrison, Merchant, Samuel Newton, Gentleman, William Rowley, Gentleman, George Watson, Gentleman, and Thomas Renolls, of St Martins: Now know ye, that We, out of due Regard to the Premises and being graciously inclined that so chargeable an Undertaking, tending to such good and laudable ends, should have meet and proper Encouragement and Reward, of our Special Grace, certain Knowledge, and mere Motion have given and granted, and by these Presents do give and grant unto the said Richard Earl of Bellomont, Edmund Harrison, Samuel Newton, William Rowley, George Watson, and Thomas Renolls,[1] their Heirs, Executors, and Assigns, All and whatsoever Ships, Vessels, Hoods, and Merchandizes, and Treasures, and other Things whatsoever, which since the Thirtieth Day of April, Anno Domini, 1690, have been taken or seized upon or with, or did belong to, or which do or shall belong to the said Thomas Too, John Ireland, Thomas Wake, Wm Maze, or their Adherents, or any other Pirates, Free-booters, and Sea Rovers, by the said Captain William Kidd, or other Commander of the said *Adventure Galley*, or which by, or by means of, the said Ship or Galley shall be taken or forced ashore, in any of our Plantations in America, or other our Dominions; as far as the said Premises, or any of them, do, shall, or may belong to Us, or can or may be granted or grantable by Us, or is or are in our Power to dispose of, in Right of our Crown of England, or as Perquisites of our Admiralty, or otherwise howsoever, and all our Right, Title, Interest, Claim, and Demand whatsoever, of, in, or unto the same, and every Part thereof: To have, hold, take, receive, and enjoy the said Ships, Vessels, Goods, Merchandizes, Treasures, and all and singular other the Premises hereinbefore-mentioned, and intended to be hereby granted, and every of them, and every Part and Parcel thereof, or such and so many of them as are, can, or may be in any manner granted or grantable by Us, unto the said Richard Earl of Bellomont, Edmund Harrison, Sam Newton, Wm Rowley, George Watson, and Thomas Renolls, their Executors, Administrators, and Assigns, to their sole Use and Benefit, and as their own proper Goods and Chattels, without any Account thereof and therefore to be made or rendered to Us, our Heirs and Successors: And we do hereby for Us, our Heirs and Successors, charge and command the

[1] Newton, Watson, Rowley, and Renolls were the nominees of Somers, Shrewsbury, Orford, and Romney.

Captain Kidd's

Appendix I.

Commissioners of our Treasury now being, and the High Treasurer, or Commissioners of our Treasury for the Time being, and all other our officers of our Revenue, our Commissioners for executing the office of Lord High Admiral of England, now, and for the Time being, and all other our Admirals, Vice Admirals, Judge and Judges of our Court and Courts of Admiralty, Governors of all and every our Colonies, Islands, and Plantations in America, Magistrates, Officials, Military and Civil, and all other our loving Subjects whatsoever, That they be aiding and assisting in all and every matters and Things, as to them respectively shall appertain, as well as to the said Captain Wm Kidd, in the seizing, apprehending, taking, and securing the said Pirates and their Ships and Vessels, and other the Premises hereinbefore mentioned, and intended to be hereby granted, every or any one of them, and in bringing the said offenders to Justice; as also unto the said Captain Wm Kidd and all others whom it may concern, in the seizing, securing, and delivering to them, the said Richard Earl of Bellomont, Edmund Harrison, Samuel Newton, Wm Rowley, Geo Watson, and Tho Renolls, their Assigns, Agents, and Servants, all and every the said Ships, Vessels, Goods, Merchandizes, Treasures, and other Things hereinbefore mentioned, and intended to be hereby granted, according to the true Intent and meaning hereof; and in such manner, as may most effectively contribute to the putting in Execution our gracious Intentions in and about the Premises, for and on behalf of the said Richard Earl of Bellomont, Edmund Harrison, Samuel Newton, William Rowley, Geo Watson, and Thomas Renolls : And lastly, We do hereby declare and grant, That these our Letters Patent or the Enrollment thereof shall be, in and by all Things, firm, good, valid, sufficient, and effectual in the Law, Notwithstanding the not naming or not rightly naming the Premises, or any Part thereof, or the true Value, or the Nature or Kind thereof; and notwithstanding the not mentioning or not rightly mentioning the Names of the said Pirates, Free-booters, and Sea Rovers, or any of them, or of the Possessors of the said Sloops, Vessels, Merchandizes, Goods, Treasure, and Premises, or any Part or Parcel thereof; and notwithstanding the ill-naming or not naming of any Seas, Havens, Countries, or Places, wherein, or in which the Premises hereby granted, or any Part thereof, is or are, shall or may be found; and notwithstanding any misrecital, non-recital, Incertainty, Defect, or Imperfection whatsoever.

"In Witness etc., Given under our Privy Seal, at our Palace of Westminster, the 30th Day of April, in the Ninth Year of our Reign."

APPENDIX II.

Kidd's own Narrative of His Voyage.

"A Copy of a Narrative of the Voyage of Captain William Kidd, Commander of the *Adventure Galley* From London to The East Indies.

"Boston, 17th July 1699. Mr. John Gardiner of Gardner's Island presented this Note to His Excellency in Council, which he made Oath was delivered to him by Captain Kidd, as was wrote with the said Kidd's own hand on board his sloop and all the particulars therein mentioned were committed to his custody. Examined by Isa Addington, Secretary.

"That the Journal of the said Captain Kidd being violently taken from him in the port of St. Marie's in Madagascar, and his Life being many times threatened to be taken away from him by ninety-seven of his men that deserted him there he cannot give that exact Account he otherwise could have done; but as far as his Memory will serve, is as followeth, viz :—

"That the said *Adventure Galley* was launched in Castle's Yard, Deptford, about the Fourth of December 1695, and about the latter end of February the said Galley came to the Buoy in the Nore: and about the 1st Day of March following, his Men were pressed for him for the Fleet; which caused him to stay there for nineteen Days; and then sailed for the Downes and arrived there about the Eighth or the Tenth Day of April 1696; and sailed thence for Plymouth; and on the Twenty-third Day of the said Month of April he sailed on his intended Voyage; and some time in the month of May met with a small French vessel with Salt and Fishing Tackle on board, bound for Newfoundland, which he took and made Prize of, and carried the same into New York, about the Fourth Day of July, when she was condemned as lawful Prize: The Produce whereof purchased provisions for the said Galley, and for her further intended Voyage. That about the Sixth Day of September, 1696, the said Captain Kidd sailed for the Maderas in company with one Joyner, Master of a Brigantine belonging to Bermudas, and arrived there about the 8th Day of October following; and thence to Bonavista, where they arrived about the nineteenth of the said month and took in some Salt, and stayed Three or Four Days; and sailed thence to St Jago, and arrived there the Twenty-fourth of the said Month, where he took in some Water, and stayed about Eight or Nine Days; and thence sailed for the Cape of Good Hope; and in the Latitude of Thirty-two, on the Twelfth Day of December 1696, met with Four English Men of War; Captain Warren was Com-

modore; and sailed a week in their company; and then parted, and sailed to Telere, a Port in the Island of Madagascar, and being there about the Twenty-ninth Day of January, came in a Sloop belonging to Barbadoes, loaded with Rum, Sugar, Powder, and Shot, one French Master and Mr. Hatton and Mr. John Batt, Merchants; and the said Hatton came to board the said Galley, and was suddenly taken ill and died in the Cabin: And about the latter end of February, sailed for the Island of Johanna, the said Sloop keeping Company, and arrived there about the Eighteenth Day of March, where he found Four East India Merchantmen outward bound; and watered there all together, and staid about Four Days: And from thence about the Twenty-second of March, sailed for Mehila, an Island Ten Leagues distant from Johanna, where he arrived next morning, and there careened the said Galley; and about Fifty men died there in a Week's Time.

"That on the 25th Day of April 1697, set sail for the Coast of India, and came upon the Coast of Malabar, the Beginning of the Ninth of September, and went into Carwarr upon that Coast about the middle of the same month, and watered there: And the Gentlemen of the English factory gave the Narrator an account That the Portuguese were fitting out Two Men of War to take him; and advised him to put out to Sea, and to take Care of himself from them, and immediately to set sail thereupon: about the 12th of the said month of September, and the next morning, about Break of Day, saw the said Two Men of War standing for the said Galley; and spoke with him and asked him, Whence he was? Who replied from London; and they returned answer, From Goa; and so parted, making still along the coast, the Commodore of the said Men of War kept dogging the said Galley all the Night, waiting an Opportunity to board her; and in the Morning, without speaking a Word, fired Six great guns at the Galley, some whereof went through her, and wounded Four of his men; and thereupon he fired upon him again; and the Fight continued all Day; and the Narrator had Eleven Men wounded: the other Portuguese Man of War lay some distance off, and could not come up with the Galley, being calm; else would have likewise assaulted the same; the said fight was sharp, and the said Portuguese left the said Galley with such Satisfaction, that the Narrator believes no Portuguese will ever attack the King's Colours again, in that Part of the World especially. And afterwards continued upon the same Coast, cruising upon the Coast of Cameroone, for Pirates that frequent that Coast, till the Beginning of the month of November, 1697, When he met with Captain Haw in the *Loyal Captaine*, an English Ship belonging to Maderas, bound to Surratt, whom he examined: on finding his Pass good, designed to freely to let her pass about her Affairs, but, having Two Dutchmen on board, they told the Narrator, That they had divers Greeks and Armenians on board, who had divers precious Stones and divers other rich Goods on board, which caused his Men to be very mutinous, and got up their Arms, and swore they would take the Ship; and two-

thirds of his Men voted for the same: The Narrator told them the small arms belonged to the Galley, and that he was not come to take any Englishmen, or lawful Traders; and that if they attempted any such thing, they should never come on board the Galley again, nor have the Boat or small Arms; for he had no Commission to take any but the King's Enemies and Pirates, and that he would attack them with the Galley, and drive them into Bombay; the other being a Merchantman, and having no Guns, might easily have done it with a few Hands; and, with all the Arguments and Menaces he could use, could scarce restrain them from their unlawful Design; but at last I prevailed, and with much ado I got him clear, and let him go about his Business. All which the said Captain Haw will attest, if living. And that, about the 18th or 19th Day of the said month of November, met with a Moors Ship of about 200 tons coming from Surratt, bound to the coast of Malabar, loaded with Two Horses, Sugar, and Cotton, to trade there, having about Forty Moors on board, with a Dutch Pilot, Boatswain, and Gunner; which said Ship the Narrator haled and commanded on board; and with him came Eight or Nine Moors, and the said Three Dutchmen, who declared it was a Moors Ship; and demanding their pass from Surratt, which they shewed; and the same was a French Pass, which he believes was shewn by a Mistake; for the Pilot swore Sacrament she was a Prize, and staid on board the Galley; and would not return on board the Moor Ship; but went in the Galley to the Port of St Marie.

"And that, about the First Day of February following, upon the same Coast, under French colours with a design to decoy, met with a Bengall Merchantman belonging to Surratt, of the Burden of 4 or 500 Tons, 10 guns; and he commanded the Master on board; and a Frenchman, Inhabitant of Surratt, and belonging to the French Factory there, and Gunner of the said Ship, came on board as Master; and when he came on board, the Narrator caused the English colours to be hoisted; and the said Master was surprised, and said, You are all English; and asking which was the Captain? Whom, when he saw, said, Here is a good Prize, and delivered him the said Pass.

"And that, with the said Two Prizes, sailed for the Port of St Marie's in Madagascar; and, sailing thither, the said Galley was so leaky that they feared she would have sunk every Hour, and it required Eight men every Two Glasses to keep her free; and was forced to woold her round with Cables to keep her together; and with much ado carried her into the said Port of St Marie's, where she arrived about the First of April 1698: And about the 6th Day of May, the lesser Prize was haled into the careening Island or Key, the other not being arrived; and ransacked, and sunk by the mutinous men; who threatened the Narrator. And the men that would not join with them to burn and sink the other that they might not go home and tell the news. And that, when he arrived in the said Port, there was a Pirate Ship, called the *Moca Frigate*, att an

Anchor, Robert Culliford, Commander thereof; who with his Men left the same at his coming in, and ran into the Woods; and the Narrator proposed to his Men to take the same, having sufficient Power and Authority so to do; but the mutinous Crew told him, If he offered the same, they would rather fire Two Guns into him, than one into the other; and thereupon Ninety-seven men deserted and went into the *Moca Frigate*, and sent into the Woods for the said Pirates, and brought the said Culliford and his Men on board again; and all the time she staid in the said Port, which was the Space of Four or Five Days, the said Deserters, sometimes in great numbers, came on board the said Galley and *Adventure Prize*, and carried away great guns, Powder, Shot, small Arms, Sails, Anchors, Cables, Surgeons' Chests, and what else they pleased; and threatened several times to murder the Narrator, as he was informed, and advised to take care of himself; which they designed in the Night to effect; but was prevented by him locking himself in his Cabin at Night, and securing himself with barricading the same with Bales of Goods; and, having about Forty small Arms, besides Pistols ready charged, kept them out; Their Wickedness was so great, after they had plundered and ransacked sufficiently, went Four Miles off to one Edward Welche's House, where his the Narrator's Chest was lodged, and broke it open; and took out Ten Ounces of Gold, 40 Pound of Plate, 370 Pieces of Eight, the Narrator's Journal, and a great many Papers that belonged to him, and the People of New York that fitted him out.

" That about the 15th June, the *Moca Frigate* went away, being manned about 130 Men, and Forty guns, bound out to take all Nations: Then it was that the Narrator was left with only Thirteen Men; so that the Moors he had to pump and keep the *Adventure Galley* above Water, being carried away, she sunk in the harbour, and the Narrator, with the said Thirteen Men, went aboard the *Adventure Prize*, where he was forced to stay Five months for a Fair Wind: In the meantime, some Passengers presented that were bound for these Parts; which he took on board to help to bring the said *Adventure Prize* home.

" That about the beginning of April 1699 the Narrator arrived at Anguilla in the West Indies, and sent his Boat in shore, where his Men had the News that he and his People were proclaimed pirates, which put them in such consternation that they sought all Opportunity to run the Ship on Shore upon some Reef or Shoal, fearing the Narrator should carry them into some English Port. From Anguilla they came to St Thomas; where his Brother-in-law, Samuel Bradley, was put on shore, being sick; and Five more went away and deserted him: Where he heard the same News, That the Narrator and his Company were proclaimed Pirates, which incensed the People more and more.

" From St Thomas set sail for Mona, an Island between Hispaniola and Porto Rico; where they met with a sloop called the

St Anthony, bound for Antigua from Curaso, Mr. Wm. Boulton, Merchant, and Samuel Wood, Master. The Men on board then swore they would bring the Ship no further. The Narrator then sent the said Sloop *St Anthony* for Curaso for Canvas to make Sails for the Prize, she not being able to proceed; and she returned in Ten Days; and after the Canvas came, he could not persuade the Men to carry her for New England; but Six of them went and carried their Chests and Things on board of Two Dutch Sloops bound for Curaso; and would not so much as heel the Vessel, or do anything; the Remainder of the Men not being able to bring the Adventure Prize to Boston, the Narrator secured her in a good Harbour in some Part of Hispaniola and left her in the Possession of Mr. Henry Boulton, Antigua, Merchant, the Master, Three of the old Men, and fifteen or sixteen of the Men that belonged to the said sloop *St Anthony*, and a Brigantine belonging to one Mr. Burt of Curaso.

"That the Narrator bought the said sloop *St Anthony* of Mr. Boulton for the Owners' Account; and after, he had given Directions to the said Boulton to be careful of the said Ship and Lading, and persuaded him to stay Three Months till he returned. And then made the best of his Way to New York; where he heard the Earl of Bellomont was, who was principally concerned in the *Adventure Galley;* and hearing his Lordship was at Boston, came thither; and has now been 45 days from the said Ship.

"Wm. Kidd."

"Boston, 7th July, 1699.

"Further the Narrator saith, That the said Ship was left at St Katharina, on the South East Part of Hispaniola, about Three Leagues to Leeward of the Westerly End of Savona; whilst he lay at Hispaniola, he traded with Mr. Henry Boulton of Antigua and Mr. Wm. Burt of Curaso, Merchants, to the value of 11,200 Pieces of Eight; whereof he received the Sloop *Antonio* at 3000 Pieces of Eight, and 4200 Pieces of Eight by Bills of Exchange drawn by Boulton and Burt upon Messieurs Gabriel and Lemont, Merchants in Curaso, made payable to Mr. Burt who went himself to Curaso; and the Value of 4000 Pieces of Eight more in Dust and Bar Gold; which Gold, with some more traded for at Madagascar, being Fifty Pounds Weight, or upwards, in Quantity, the Narrator left in Custody of Mr. Gardner of Gardner's Island, near the Eastern end of Long Island, fearing to bring it about by Sea: It is made up in a Bag put into a little Box, locked, nailed, corded about, and sealed; saith he took no Receipt for it of Mr. Gardner.

"The Gold that was seized at Mr. Campbell's, the Narrator traded for at Madagascar, with what came out of the Galley.

"Saith, That he carried in the *Adventure Galley*, from New York, 145 men; Seventy whereof came out of England with him. Some of his Sloop's Company put Two Bales of Goods on shore at Gardner's Island, being their own proper Goods. The Narrator

delivered a Chest of Goods, viz., Muslins, Latches, Romalls, and flowered Silk, into Mr. Gardner of Gardner's Island aforesaid, to be kept there for the Narrator; Put no Goods on shore anywhere else; Several of his Company landed their Chests and other Goods at several Places.

"Further saith, He delivered a small Bale of coarse Calicoes unto a Sloop Man of Rhode Island, that he had employed there; the Gold seized at Mr. Campbell's the Narrator intended for Presents to some that he expected to do him kindnesses. Some of his Company put their Chests and Bales on board a New York Sloop, lying at Gardner's Island.

"Wm. Kidd."

APPENDIX III.

INVENTORY OF GOODS, GOLD, &C., RECOVERED BY BELLOMONT FROM VARIOUS PLACES IN WHICH THEY HAD BEEN LEFT BY KIDD.

"A true Account of all such Goods, Silver, Jewels, and Merchandizes, late in the Possession of Captain William Kidd, which have been seized and secured by us underwritten, pursuant to an Order from his Excellency Richard Earl of Bellomont, Captain General and Governor in Chief in and over his Majesty's Provinces of the Massachusetts Bay, &c., bearing Date July 7th, 1699; viz:

	Gold. Ounces.	Silver. Ounces.
"In Captain Wm Kidd's Box.		
One Bag qt. 57 Silver Bars, - - -		357
One Bag qt. 79 Bars and Ps. Silver, -		442½
One Bag qt. 74 Bars Silver, - -		421
One enamelled Silver Box gilt, in which are Four Diamonds set in Gold Lockets. One Diamond loose, one large Diamond set in a Gold Ring.		
"Found in Mr. Duncan Campbell's House.[2]		
No. 1. One Bag qt. Gold, - - -	58½	
No. 2. One Bag qt., - - - -	94	
No. 3. One Handkerchief qt., - -	50	
No. 4. One Bag qt., - - - -	103	
No. 5. One Bag qt., - - - -	38½	
No. 6. One Bag Quantity, - - -	19¼	
No. 7. One Bag qt., - - - -		203
Also, 20 Dollars, One Half and One Quarter Ps. of Eight, Nine English Crowns, One small Bar of Silver, One small Lump of Silver, a small Chain, a small Bottle, a Coral Necklace, One Piece white and one Piece of chequered Silk.		
"In Captain William Kidd's Chest.		
Two Silver Basons, Two Silver Candlesticks, One Silver Porringer, and some Things of Silver, Quantity, -		82
Rubies small and great, 67; Green Stones, Two; One large Loadstone.		

[2] Kidd and his wife were lodging in Campbell's house at the time of his arrest.

Appendix III.

	Gold. Ounces.	Silver. Ounces.
"Landed from on board the Sloop *Antonio*, Captain William Kidd, late Commander.		
57 Bags of Sugar.		
38 Bales of Merchanture.		
"Received of Mr. Duncan Campbell.		
Three Bales of Merchandize, whereof One he had opened, being much damnified by Water, qt.		
85 Pieces of Silk, Rumalls, and Bengalls.		
60 Pieces of Callicoes and Muslins.		
"Received the 17th Instant of Mr. John Gardner.		
No. 1. One Bag of Dust Gold, qt., -	60¾	
No. 2. One Bag coined Gold, - -	11	
And in it Silver, qt., - -		124
No. 3. One Parcel Dust Gold, qt., -	24¼	
No. 4. One Bag, qt. 3 Silver Rings, sundry precious Stones, 4⅞ Oz.		
One Bag unpolished Stones, qt. 12½ Ounces.		
One Ps. of Crystal and Bever Stone, Two Cornelian Rings, Two small agats, Two Amethysts, all in the same Bag.		
No. 5. One Bag Silver Buttons, and a Lamp, qt., - - - - -		29
No. 6. One Bag broken Silver, qt., -		173½
No. 7. One Bag Gold Bars, qt., -	353¼	
No. 8. One Bag Gold Bars, qt., - -	238½	
No. 9. One Bag Dust Gold, qt., - -	59½	
No. 10. One Bag Silver Bars, qt., -		212
No. 11. One Bag Silver Bars, qt., -		309
The whole of the Gold above mentioned is 1111 Ounces Troy Weight.		
The Silver is 2353 Ounces.		
The Jewels or precious stones, weighed, are 17 Ounces, ¾ of an Ounce; and 69 Stones by Tale.		
The Sugar is contained in 57 Bags.		
The Merchandize is contained in 41 Bales.		
The Canvas is 17 Pieces.		

"Sam Sewall. Jer. Dumer.
"Nathaniel Byfield. Laur. Hammond. D. Collr.
"Andr. Belcher."

APPENDIX IV.

Statements of Witnesses taken at Boston by Order of Lord Bellomont.

A. Hugh Parrott.[3]

"A Copy of the Examination of Hugh Parrott of Plymouth in the County of Devon, Mariner, Who saith, That, at the Island of Joanna he left the Vessel he then belonged to, and entered himself on board the *Adventure Galley*, Captain William Kid Commander; and from thence we sailed to the Red Sea, and there cruised for Privateers and Pirates; but finding none, went upon the Coast of India, and, in our Cruize there, espied a Ship[4] which we gave Chase to and came up with, being a Ship of near 200 Ton Burden, whereof a Dutchman, Mich Dicker, was Master; and there were Two more Dutchmen on board; all the rest of the Company were Moors, being about Fifty in Number in the Whole; and the said Dutch Master, being commanded on board the Galley, brought a French pass, and, as the Examinant was informed, declared, That his Ship and Lading was lawful Prize: and accordingly was made Prize of by the said Kidd and Company: The Dutch Master remained in the Galley with the other Two Dutchmen, and took up arms to serve under Captain Kidd; the Moors were set on shore, being then not above Two Leagues distant from the same: The Examinant knows not what the Ship was laden with; only saw Two Horses sent on shore from her. And in about Six Weeks time afterward, they took another ship[5] of 400 Tons, or upwards, mounted with about 12 or 14 Guns, commanded by one Captain Wright, an Englishman; and there was also on board Two or Three Dutchmen; the rest of the Company were Armenians and Moors, to the Number of about Sixty or Seventy: The Ship came from Bengall, bound to Persia, as it was said; and that she belonged wholly to the Moors;[6] she was laden with Bale Goods, containing Muslins, Silk striped and plain, and raw Silk, refined Sugar in Bags, Saltpetre, Iron in Junks, Guns, and Anchors; Captain Wright and other the Christians, with several of the Armenians and Moors, were speedily sent on shore; some of them came to Madagascar in the Galley, and there left her: Said, Captain Kidd carried the said Prize Ship into Madagascar, Geo. Bullen, Chief Mate of the Galley, being put in to command the said Prize Ship; and when she arrived at Madagascar, they took

[3] Parrott was one of the seamen tried at the Old Bailey with Kidd.

[4] The *Maiden*.

[5] The *Quedagh Merchant*.

[6] No suggestion here that the ship was French, and therefore a lawful prize. Parrot, at any rate, knew that she belonged to Moors.

out of her all the Bale Goods, and shared them among the Galley's Company, being about One Hundred in Number more or less; some had Three, others Four Bales to a Share; the Examinant had Four for his Share, which he sold at Hispaniola to Mr. Boulton and Mr. Burt for 400 Pieces of Eight, which was paid him down in Money; 200 Pieces of which he lost since by Gaming, on board the Sloop *Antonio* that he came from Hispaniola in, the rest of the Money was stolen from him. They arrived in the said Sloop, first, at the Horekills in Delaware Bay, where they put out Two Chests, belonging to James Gillam a Passenger, who also went on shore there; which Chests, the Examinant believes, were full of India Goods: From the Horekills they went to Oyster Bay on Long Island; and there took in Mr. Emot of New York, and carried him to Rhode Island, and sent him on shore there; Then went, with their said Sloop, to Block Island, and put on shore Two Guns, delivered to Two Men that came from the Shore, and cruised betwixt Block Island and Rhode Island until Mr. Emot's Return; and having taken him on board, went to Gardner's Island, and there set him on shore: And there was landed at the said Island, from out of the Sloop *Antonio* some goods and chests; and also several Bales and Chests were put into another Sloop that lay at the said Gardner's Island, bound up the Sound: From Gardner's Island, they sailed, with the Sloop *Antonio*, to Block Island; and there took up the Captain's Wife, and a Gentleman that accompanied her; and then stood to Gardner's Island; and then put the said Gentleman, which the Examinant thinks was named Clark, into a Sloop bound up the Sound; into which Sloop there was also several Bales and Chests put, out of the Sloop *Antonio*, by Order of the said Captain Kidd: And then we came to Tarpolin Cove, where there was a Bale, and One or Two Barrels of Goods landed: And from thence we came over the Shoals, and there met a Sloop from Campechea, bound to Boston; the Master of which Sloop, in the Canoe belonging to her, came on board our Sloop; And at his going off, there was put into the said Canoe a Turkey work Carpet, Two or Three Smalls Arms, which is all that the Examinant took notice of. The Examinant further saith, That at their sharing at Madagascar, Captain Kidd struck for and received several Shares; knows not how many; there might be Forty. They stript the Galley at Madagascar, and burnt her to save her Iron-work; and also sunk their lesser Prize there. About ninety of the said Galley's Company deserted at Madagascar. The Greater Prize was called the *Quedah Merchant*; which they left in Hispaniola, under the care of Mr. Boulton, and about Seventeen or Eighteen Men to assist; Captain Kidd promising to return to him in a short time: The Examinant supposes there might be about 150 Bales of Goods remaining on board her, about Eighty or Ninety Tons of Sugar, the Salt-petre, Iron, Guns, and Anchors. Capt. Kidd traded with Messieurs Boulton and Burt for a considerable Quantity of Goods taken out of the said *Quedah Merchant* at and about Hispaniola.

"Hugh Parrott."

B. William Jenkins, Richard Barlicorn, and Robert Lamley.[7]

"The Examination of William Jenkins, Richard Barlycorne, and Robert Lamley.

"The Examination of William Jenkins, of Bow near London, aged about 18 Years, Apprentice to Geo Bullen deceased, late Chief Mate to the *Adventure Galley*, Captain William Kidd Commander:

"Who saith, That some time after Christmas in the year 1695, he sailed with the said *Adventure Galley* from Plymouth in England; and the said Galley made her course to New York; took a French Prize in her Way, which was carried in with the same. That the said Galley, some time after her Arrival at New York, sailed from thence to Maderas to Bonavista and St. Jago, where they took in Provisions, and steered for the Cape De Bon Esperance, but put not in there; but proceeded to Madagascar for Provisions, which they there took on board; then proceeded to an Island named Joanna, staid there about a Week, took on board some Water, and then went from thence to Mohilla; where the said Galley was laid on shore, and cleaned; and then returned again to the said Island of Joanna; from whence the said Galley sailed to Motta in the Red Sea, and there watered; and then proceeded to a Place called Bab's Key,[8] to wait for Shipping: And, during the time of their being there, the Moca Fleet passed by; but the said Galley did not endeavour to come up or speak with any of them, apprehending they were too strong; afterwards, we spoke with a small Bark coming from the Red Sea, commanded by one Parker,[9] out of which the Company belonging to the said Galley took about a Bushel of Pepper: Then the said Galley went into a Port called Callacut, where was an English Factory; remained there Four or Five Days, and then went a cruising upon that Coast; and sometime afterwards gave Chase to a Ship about 150 Tons Burden, and, after about Nine Hours Chase, came up with the same;[1] then Captain Kidd ordered Two Shots to be fired at the same, to bring her to; whereupon she accordingly brought to, and the Master, being a Dutchman called Skipper John, came on board: There was belonging to the said Ship, Three Dutchmen, a Boy, and the rest Moors, between Twenty and Thirty in Number; the Dutchmen, and Two or Three Moors, were kept on board the said Galley, and the rest of the said Moors had the Long-boat given to them to go on shore, being then about Two Leagues distant from the same: The said Ship was loaded with Cotton, and had two Horses likewise on board the same; which Cotton and Horses, Captain Kidd and his Company sold to the natives of the country for Money and Gold; kept the said Ship with them, the Galley being leaky, and carried her to Madagascar: When the said Galley came up with the said Ship, the said Galley had

[7] All three were charged with Kidd at the Old Bailey.
[8] Kidd makes no mention of this in his narrative.
[9] Kidd also conceals this in his narrative.
[1] The *Maiden*. Also not mentioned by Kidd.

aboard French Colours, and the Master of the said Ship brought on board a French Pass, having other Passes besides :[2] The Time when the said Ship was taken, as above-mentioned, was about 13 or 14 Months since; about a Month or Five Weeks after which, the said Galley gave chase to another Ship; and having chased her about Four Hours, came up with the same, the said Galley having aboard French Colours, and the other Ship Armenian; which Ship was of the Burden of about 400 Tons, called the *Quedah Merchant*, and was commanded by one Wright, an Englishman; and had on board the same Two Dutchmen, who were Mates of the said Ship; and a Frenchman, who was a gunner; six or eight Armenians; and the rest of the Company Moors, being about Ninety in Number; all of which Captain Kidd sent on shore in the Boats that came off from thence : The said Ship came from Bengall, bound for Suratt; was mounted with 16 or 18 guns; the French Gunner of which brought on board the Galley a French Pass, and said she was a good Prize to the English : The said Ship was loaded with Bale Goods, Sugar, Iron and Saltpetre : Captain Wright, who commanded the said Ship, declared, She was in the Employment of the English; that the Lading belonged to them; And, about Four or Five Days after the said Ship was taken by the said Galley, Captain Kidd called the Company together, and proposed to them to return the said Ship to those from whom they had taken her, or sell her to them; And said, He would agree to any thing they should do therein, were it for the Value of a Piece of Eight : Said also to his Company, The Taking of the said Ship would make a great Noise in England; and they should not know what to do with the Goods taken in the same : But the Company of the Galley agreed not to the said Captain Kidd's proposal; but carried the said Ship into St. Marie's, off Madagascar; And there unloaded her, and shared : Whereupon, each of the said Galley's Company, being then about 115 in Number, shared, one with another, Three Bales and some loose goods, besides about Two Thirds of a Bale : And the said Captain Kidd had Forty Shares : The Bales contained Callicoes, Romalls, Muslins, some Silks, some striped, some flowered, and some plain. After sharing of the said Goods, Ninety and upwards of the Company belonging to the said Galley deserted the same and went to the *Mocha Frigate*, then lying at St. Marie's aforesaid : And the said Captain Kidd, with the Men that remained with him, carried their Shares on board the said Prize Ship, called the *Quidah Merchant*; and run the said Galley on shore, being very leaky; and, having stript her of her Furniture, set her on Fire to get her Iron-work; and put all that they could save, of or belonging to the said Galley, on board the said Prize Ship; with which the said Captain Kidd, and the Men that remained with him, and some other that he had procured there, came from St. Marie's aforesaid, and arrived in sometime afterwards

[2] This makes it clear that the French pass was only one of several passes. Note also she was flying Armenian colours.

at the Island of Anguilla in the West Indies: Where being informed, That the said Kidd and his Company were proclaimed Pirates, the said Captain Kidd and the Men on board with him went with the said Ship to the Island of St. Thomas; but the Governor of the said Island would not allow the said Ship to come in there: Whereupon we sailed to Mona; and there met with one Mr. Boulton of Antegoa, Merchant, of whom Captain Kidd bought the Sloop *Antonio*, in which he lately came to Boston; gave, as this Examinant was informed, 3000 Pieces of Eight for the same; and took form out of the Prize Ship into the said Sloop Forty Bales of the Goods on board said Ship, and about Thirty Bags of Sugar; and left the said ship at Hispaniola, about Six or Seven Weeks since in the Custody of the said Mr. Boulton, and about 12 Men more: And the said Captain Kidd promised to return again to the said Ship in the Space of Three Months; and the said Boulton promised to stay with the same for so long time: Which Ship the said Captain Kidd left lying in the River in Hispaniola aforesaid, reckoned to be about Eighteen Leagues from Mona. The Examinant further saith, That after the said Galley had taken the two Ships before-mentioned, she also, in her Passage to St. Marie's aforesaid, took a Bark or Ship, of the Burden of 180 Tons, with about Seventy persons on board, navigated with Portuguese:[3] She came from Bengall, was bound to Goa, and had on board Bengalls, Muslins, Callicoes, and other Things, which the Galley's Company began to plunder and bring on board the Galley; but, seeing several Ships coming down towards them, the said Galley, with the other Two Prizes she had taken, came to sail, and left the said last prize at a Place between Brin John and Angingo, so called, being an English and Dutch Factory; and left on board the same all the Company belonging thereto, except the Master Merchant, and seven Men more, that came on board the Galley when they first took the said Ship: And the Vessel that was first taken by the said Galley, as before-mentioned, was by the said Galley's Company, sunk at St. Marie's aforesaid, after they had brought her thither.

"And the said William Jenkins the Examinant further saith, That whilst Captain Kidd and his Company lay with the said Ship, *Quidah Merchant*, at Mona aforesaid, one Burt, Merchant of Curacao, came to them in a Brigantine, and purchased several Goods of the said Captain Kidd; for which he paid Part in Money, and Part in Flour. Further saith, That the first Place that the Sloop *Antonio* aforesaid touched at, after the said Captain Kidd and his Company left the said Ship at Mona aforesaid, was the Horekills in Delaware Bay, where the said Sloop staid Two Days; and one James Gillam, a Passenger that came with the said Kidd from Madagascar, being one of the *Mocha Frigate's* Crew,[4] sent his Chest on shore there, being a large Chest and heavy; which the Examinant supposeth to

[3] This is one more episode which Kidd conceals in his narrative.
[4] Another pirate.

be full of India Goods, and was stowed in the said Sloop's Hold in the Passage from Mona: After the said Sloop had staid at the Horekills aforesaid, about Two Days, she sailed to Gardner's Island, and anchored there; where Captain Kidd sent on shore Two Bales of Goods, Two Negro Boys, and a Negro Girl, and delivered them to Mr. Gardner; and were not brought on board the Sloop again, the Examinant remaining on board the same almost all the time; neither was any thing more carried on shore there, to this Examinant's knowledge: And there was, in Company with the said Sloop under Captain Kidd's Command, a Sloop said to belong to New York, whereof one Hendrick, a Dutchman, a young Man, was either Skipper or one of the Company, into which Sloop there was sent Two or more Bales, One of them being Bengall Silks, all belonging to one Humphrey Clay, and Four or more Chests belonging to said Humphrey Clay, English Smith, Gabriel Loffe, and Martin Skinke: This Examinant was informed the said Sloop was bound on a trading Voyage to Martha's Vineyard with Rum and Truckin Cloth; but having received the said Bales and Chests on board, did not proceed to Martha's Vineyard, but went back again for New York. The said Captain Kidd and his Company then proceeded with his Sloop to Block Island; and put nothing on shore there, only Two Guns about Two or Three hundred Weight apiece, which Captain Kidd gave to one Sands: Then the Sloop went to Tarpolin Cove, where One or more Bales of the Captain's were put on shore, and delivered to the Man that dwells there. The Examinant further saith, That Captain Kidd traded with Mr. Boulton and Mr. Burt aforesaid, for the Quantity of Twenty Bales of Goods or thereabouts, as he supposes; besides what those of his Company traded with them; Six of which, viz., Michael Callaway, John Hales, John Brovender, Wm. Boyer, Neece a Dutchman, and Noutar a Dutchman, went to Curacao in Burt's Brigantine; and one other, named John Ware, went thither also in a small Sloop.

"William W. J. Jenkins.

"The foregoing Examination of Wm Jenkins being read unto Richard Barlycorne, aged about Eighteen Years, Apprentice to Captain Wm. Kidd; He saith, That the same is true, as to the Substance thereof.

"And further saith, That James Gillam carried Two Chests on shore at the Horekills, which were stowed in the Hold of the Sloop: After they came from the Horekills, they stopt at Gardner's Island; went from thence to Oyster Bay; there took in Mr. Emott of New York; and set him on shore on Rhode Island; in some days afterwards, Mr. Emott returned to the Sloop again, as she lay off Rhode Island; then they went to Gardner's Island; who went from thence in a whale-boat, over to Long Island: And at Gardner's Island, Captain Kidd sent on shore there Two Bales of Goods, a Box, and Two Negro Boys, and a Girl, committed to the Charge of Mr. Gardner. The Examinant also sent Two Bales of his own, and

his Chest, on shore there; and Dick the Black, another Bale; and one Robert Avery, a Passenger, that came with them from Madagascar, went on shore there, and carried some Bundles of Muslin, Silks, and other Goods of his own; and a Box about Three Foot long, and a Foot deep: Knows not what was in it; It was handed over the Sloop's Side. There was also a Sloop of New York, lying at Gardner's Island, into which there was put about the Quantity of 15 or 16 Bales of Goods, Whole and in Pieces; and about 9 or 10 Chests: Which Goods and Chests belonged to Humphrey Clay, Gabriel Loffe, Samuel Wood, Captain Davis a Passenger, Martin Skink, John Arris, and English Smith: The Sloop was full. From Gardner's Island, we sailed to Block Island; and there took in Captain Kidd's Wife, and one Mr. Clark of New York; and then stood towards Gardner's Island again, and met a New York Sloop bound home, and put Mr. Clark on board of her: And Captain Kidd put a Chest on board the said Sloop: He knows not what was in it: John Arris put another Chest on board, and Wm. Jenkins a Bale of Goods; and some other Bundles, that were made out of Bales, were also put on board said Sloop; and all, as aforesaid, committed unto the said Mr. Clark: The Captain's Chest was hoisted out of the Hold. They stopt at Tarpolin Cove; and there put on shore One Bale, Two Barrels, and a Box of Goods, delivered unto the Man that dwells there: And, as they came over to Nantucket Shoals, they met a Sloop from the Bay, commanded by one Captain Way; which said Way came on board our Sloop; and, when he went off again, put in his Canoe, by Captain Kidd's Order, Two or Three Small Arms, a Pendulum Clock bought of Captain Wright, Commander of the *Quedah Merchant*, a Pair of Stilliards, and a Bag about as big as the Crown of his Hat, sealed up; which the Examinant supposes to be Money.

"Further the Examinant saith, That, when they came from Hispaniola, Captain Kidd told Mr. Boulton, whom he left in charge of the Ship, That he would return to him again in a short Time, after he had spoken with my Lord Bellomont; and that the New York Sloop, whereinto they put the Goods at Gardner's Island as aforesaid, was an open Sloop, manned with Two Men named Coster and Hendrick: There was Three Bales of Goods, and Two Bags of Sugar, delivered out of the Sloop *Antonio* at Boston unto Mr. Duncan Campbell. Saith, He knows not what Sum Captain Kidd paid for the Purchase of the Sloop.

"Richard Barlycorn.

"The Two foregoing Relations of Wm Jenkins, and Richard Barlycorn, being distinctly read over unto me Robert Lamley, Apprentice to Abel Owen, Cook of the *Adventure Galley*, Captain William Kidd Commander; and I, having been in the said Galley throughout her whole Voyage, and, since the Loss of her, in the Ship *Quidah Merchant*, and Sloop *Antonio*, do affirm and testify to the Truth of the said Relations, respectively, as to the Substance of the same, in the several Articles thereof.

"Robert Lamley."

Appendix IV.

C. Gabriel Loff.[5]

"A Copy of the Examination of Gabriel Loff, of Long Island, within the Province of New York, Seaman.

"Who saith, That in September 1696 he entered himself aboard the *Adventure Galley*, Captain William Kidd Commander, as a Foremast-man at New York; and proceeded in the Galley from thence, first to Madera, then to Bonavista, St. Jago, and from thence to Madagascar; from thence to Joanna and Mehila, from Mehila back to Joanna; and from Joanna made their Course in the Red Sea to cruise for Pirates; and, after some Time spent there, meeting with no Purchase, sailed for the Coast of India, and cruised there; and then gave Chace to a Ship, which shewed us French Colours, and Moorish Colours, and some others; and, after some Chace, came up with her; Captain Kid commanded the Commander of her to come on board; who accordingly did. The Examinant knows not what Nation he was of, but he brought a French Pass, and told Captain Kid, That his Ship was a Prize; and Captain Kidd made Prize of her, and her Lading; She was about 150 Tons in Burden, laden with Cotton Wool, Bees Wax, Tobacco, and Two Horses: The Company were chiefly Moors; only Three Christians; he knows not the Number; The Christians remained in the Galley, and took up Arms there: The Moors were sent on shore. Soon after the Taking of this Ship, the Examinant was taken sick, and lay so most of the Voyage: knows not what they did with the Lading: The Ship they carried to Madagascar; and there sunk her. Some Weeks after the Taking of the said Ship, they took another Ship, on the Coast of India, of Burden 400 Tons, or upwards, commanded by one Wright, an Englishman; which Ship was chiefly manned with Moors and Armenians: There was Three Christians on board. The Examinant further saith, They carried the said Ship and Lading with them to Madagascar; and there landed all the Bale-goods on board, consisting of Callicoes, Muslins, Silk, and white, striped, and plain Romalls, Bengalls, and Laches: There fell betwixt Three and Four Bales to a share: The Examinant had Three whole Bales, and a Piece of a Bale, to his Share; some of which he disposed of at Madagascar, to buy Provisions, and left some in the Ship; the Remainder he had in his own Chest, and some in Martin Skinke's Chest; which Chests were put on board a New York Sloop in the Sound, commanded by one Coster, and committed to his Care, to be carried to New York; Captain Kidd had Forty odd Shares for himself, and his Ship; most of his Men deserted. At St. Marie's, a Difference arose between the Captain and his Company; Captain Kidd proposing to them to take the *Mocha Frigate* which lay there, but the generality of the Men refused, saying, They would sooner shoot him, than into the said *Mocha Frigate*: and they went aboard the said Frigate.

[5] Another of Kidd's co-prisoners at the Old Bailey.

"Further the Examinant saith, That the aforesaid Ship, commanded by Captain Wright, and taken by Captain Kidd, in the Seas of India, was called the *Quiddah Merchant*: And that the said Kidd, and his Company that remained with him, brought the said Ship from Madagascar into Hispaniola, in the West Indies; and there the said Captain Kidd traded with Two Persons, named Boulton and Burt, for some of the Bale-goods, which were delivered out of the Ship: And Captain Kidd bought a Sloop of the said Mr. Boulton, and laded the said Sloop with Bale Goods taken out of the said Ship for so much as she could conveniently stow, and lodge the Men besides: The Number of Bales he knows not: And, leaving the said Boulton, with Seventeen or Eighteen Men, on board the Ship, the said Captain Kidd, with several of his Company, proceeded in the said Sloop towards New York; and the discourse was, That Captain Kidd was to return to the Ship again within the Space of Three Months: And after their Departure from Hispaniola, they arrived with the said Sloop, first at the Horekills in Delaware Bay, where they landed a Chest belonging to one James Gillam, a Passenger with them from Madagascar; knows not what was in it: And from the Horekills they sailed with the said Sloop into the Sound, and put some Goods and Chests on board the New York Sloop, one Coster Master, then lying at said Gardner's Island: And also put a Pack of Goods on shore at Tarpolin Cove. Whilst they lay with the said Sloop off Rhode Island, James Gillam, before named, went on shore in a Boat, that came on board the same Sloop: Knows not from whence the said Boat came, nor who she belonged to.

"Gabriel Loff."

D. Edward Davis.[6]

"A Copy of the Examination of Edward Davis, of London, Mariner. Saith, That in or about the month of November, 1697, the Examinant came Boatswain of the Ship *Fidelia*, Tempest Rogers Commander, bound from London on a trading Voyage for India; and, in the month of July following, arrived at the Island of Madagascar; and, after having been there about Five Weeks, the Ship sailed thence, and left this Examinant in the Island; and being desirous to get off, entered himself on board the Ship, whereof Captain Kidd was Commander, to work for his Passage; and accordingly came with him, in the said Ship to Hispaniola; and from thence, in the Sloop *Antonio*, to this Place: And that upon their Arrival at the Horekills in Delaware Bay there was a Chest, belonging to one James Gillam put on shore there; and, at Gardner's Island, there was several Chests and Packs put out of Captain Kidd's Sloop, into a Sloop belonging to New York: He knows not the Quantity, nor any thing sent on shore at the said Island; nor doth he know, that any thing was put on shore at any other Island, or Place, in this Country; only Two Guns, of 300 Weight apiece or thereabouts, at Block Island.

"Edward S. D. Davis."

[6] Davis was called by Kidd as a witness for the defence at the Old Bailey. At that time Davis himself was a prisoner in Newgate.

Appendix IV.

E. Samuel Wood.

"The Examination of Samuel Wood, Master of the Sloop *Antonio*, who saith,

"That he being Master of the said Sloop *Antonio*, lately belonging to Antony Montero, Abraham Redwood, and Henry Boulton, of Antegoa, Merchants, and in their Employ on a Voyage from Antegoa to Curacoa and Royal de Hatch, the said Boulton Supercargo, and returning from Royal de Hatch to Curacoa, they there took in a small quantity of Goods to trade for Hogs at Porto Rico, to carry with them to Antegoa; and sailed from Curacoa towards Port Rieco; and, off the West End of said Island of Port Rieco, they espied a large Ship: some of the Company belonging to the said Ship came in a Canoe on board the said Sloop; and desired the Examinant to stand for the said Ship and to supply them with some Provisions: And the said Sloop being then near to the shore, the Examinant stood in to the same with his said Sloop, and took in betwixt 30 and 40 Hogs, and put them into the Ship's Boat, which afterwards came to the said Sloop: And sent them on board in her. Mr. Boulton his Supra-cargo going in the Boat before them. The Men that came on board the Sloop from the Ship informed, That she was commanded by Captain Kidd; and that the said Ship was a Prize, which the said Kidd had taken in the Seas of India: The said Mr. Boulton, in a few Hours time, returned back again to the Sloop, and ordered the Examinant to make his Course back again to Curacoa; which he accordingly did, leaving the said Ship lying off the Island of Mona: And when they arrived at Curacoa, the said Mr. Boulton sent on board some Flour, a Cask of Bottle Ale, and some Cheeses, and a Cask of Bread; and then came on board himself: And the Examinant, by his Order, set Sail, with the said Sloop, for Mona; and in Eight Days after their Departure from thence, arrived there again; where they found said Captain Kidd's Ship lying at Anchor; and they delivered on board her the aforesaid Provisions; and lay by the said Ship several Days, expecting a Brigantine, whereof one Mr. Burt was Merchant, to come up from Curacoa, with a further Supply: And, before the Brigantine arrived, the Ship was put from her Anchors, and forced away to Leeward, Mr. Boulton being on board, who ordered the Examinant to stay at Mona Three Days for the said Brigantine, and then to come away unto Savona, where he might expect to find the Ship: The Brigantine came by the end of Two Days; and by this Examinant's Direction, went for Savona; and he followed the next Day, with his Sloop; and, meeting with a Dutch Sloop, received Directions from him; and went, in Company of the said Sloop, to St. Catalena upon Hispaniola; where they found the said Ship, and Burt's Brigantine; where Mr. Boulton sold the Sloop to Captain Kidd, and received his Pay for the same in Bale Goods taken out of the said Ship and put on board Burt's Brigantine: After which, the Sloop was cleared of her Cask and Lumber on board her; and

took into her, out of the said Ship, so many Bales and Chests as she could conveniently stow, besides Room for the Men to lodge; and some Bags of Sugar, and Iron-work for Ballast: And then Mr. Boulton paid the Examinant and Company their Wages; and Ten of the Company continued on board the Ship with Mr. Boulton, to whose Charge she was committed; and some of the Men belonging to Burt's Brigantine and some out of the Dutch Sloop, to the Number of about Eighteen in the Whole, staid with Mr. Boulton, to look after the Ship until Captain Kidd's Return, or for the Space of Three Months from the 16th Day of May last past: And said, Captain Kidd left an Order with Mr. Boulton to dispose of the Goods, for the Account of himself and the Owners of the *Adventure Galley*: Burt's Brigantine took in some Quantity of Goods out of the said Ship; so did also the Dutch Sloop aforesaid; and they left her at the same time, when this Examinant came away with his Sloop: The Brigantine, as the Examinant understood, was intended for St. Thomas's; the Dutch Sloop, for Curacoa; The Examinant made his Course for New York; and, breaking their Boom-iron, put into Delaware Bay to get it mended; and, at the Horekills they landed a Chest belonging to one James Gillam: From the Horekills they came round the East End of Long Island, and up the Sound into Oyster Bay; and from thence dispatched a Letter for New York; and in a Day or Two afterwards, Mr. Emot came from New York to them, whom they took in; and stood for Rhode Island, and put him on shore there; and then stood off and on, for Two or Three Days, betwixt that and Block Island, and, at Mr. Emot's Return, went to Gardner's Island, and landed said Emot there: And also, by Captain Kidd's Order, there was 4 or 5 Bales of Goods, and Three young Negroes, put into a Whale Boat that came from said Gardner's Island, and the said Sloop's Boat; and several Chests and Bundles were put on board a New York Sloop that lay there, near unto the Examinant's Sloop: Two Guns were put on shore at Block Island; One Bale of Goods, and Two Barrels, with some small Bundles of Goods in them, were landed at Tarpolin Cove: Captain Kidd said, He would touch there at coming back, to take in his Bale again. And, by virtue of a written Order from Captain Kidd, directed to the Examinant after the Sloop's Arrival at Boston, to deliver to Mr. Duncan Campbell Two Bales of Goods, and Two Bags of Sugar, or what he should ask for, the Examinant delivered him Two Bales and Two Bags of Sugar; and Samuel Arris, one of the Company, by Order from said Kidd in Writing, delivered Mr. Campbell another Bale. The Examinant further saith, That, when the said Sloop was seized in Boston, this Examinant had in his Chest of his own proper Money, 320 Pieces of 8; which he received for his Wages, and Adventure, in his Voyages made in the said Sloop from Philadelphia to Barbadoes, twice forward and back, and from Barbadoes to Curacoa, and thence to Antegoa; and from Antegoa to Curacoa again; Real de

Hatch; and to the time of his Discharge at Hispaniola; also about Five Yards of red Plush, and about 18 Yards of striped Stuff, and a Piece of Ossenbriggs, in the Sloops Hold; and a Gun, and a Cotton Hammock, Two Quilts, Bedding, and Cloathing, on board the Sloop.

"SAMUEL WOOD."

F. THOMAS WAY.

"The Examination of Thomas Way, of Boston, Mariner. Saith, That, coming lately from the Bay of Compeach, in the Sloop whereof he is Commander, upon the Shoals of Nantucket, on Friday the 30th of June last, the Sloop whereof Captain Kidd was Commander, came up with him; and they haled each other; and being both bound in for Boston, sailed together in Company; and the Examinant, in his Canoe, with Two of his Ships Company, went on board the said Captain Kidd's Sloop; and Captain Kidd presented the Examinant with a Bit of a Bar of Gold; and, at his coming off again from the said Sloop, by Order of Captain Kidd, there was put in the Examinant's Canoe, Three Fire Arms, a Pair of Stilliards, a Turkey Carpet, a Clock, and a small Bundle, made up in a Napkin, or a Piece of Osnabriggs, loosely fastened together, which the said Kidd told the Examinant was some of his Wife's Cloaths, and desired him to carry up for him; which he accordingly did: And Mr. Kid sent for the said Bundle soon after their coming to Boston; which was delivered; The Clock, Carpet, and Stilliards remain at the Examinant's House; the Arms at the Gunsmith's: There was also delivered unto the Examinant by the said Kidd, a Bag of Coarse Canvas, sealed up (the Bag had Two Seals) about the Bigness of the Crown of his Hat; which, he said, contained Pieces of Eight, that his Wife brought with her from New York to bear her Expences: And the Morning of the Same Day that Captain Kidd was taken, he came to the Examinant's House with a Negro Boy, and fetched away the said Bag of Money: He judges it might weigh Six Pounds Weight: There was Eight Pound more, in Pieces of Eight Reals, and Arabian Gold, delivered unto this Examinant by Aires, One of the said Kidd's Company, to secure for him; and, this Morning, the said Aires sent a written Order from the Prison, unto the Examinant, to deliver his Money to George Riscarrick; which he accordingly did, only Ten or a Dozen Double Reals still resting in the Examinant's Hand: His Piece of Gold he sold to Mr. Dummer, for £4 odd Money.

"THOMAS WAY."

G. DUNCAN CAMPBELL and MRS. CAMPBELL.

"A Copy of the Affidavits of Duncan Campbell, and his Wife.

"Duncan Campbell, of Boston, being notified to appear before His Excellency and Council this Day, and sworn to give a true Narrative and Relation of his Knowledge, or Information, of any Gold, Goods, Silver Bullion, or other Treasures, lately imported by

Captain Kidd.

Captain Wm Kidd, his Company, and Accomplices, or any of them in this Province, or any other of his Majesty's Provinces, Colonies, or Territories in America; and by them, or any of them, embezzled, concealed, conveyed away, or any ways disposed of, Saith, upon his Oath, That, at the time of his first going on board the said Kidd's Sloop then being off Block Island, the said Kidd gave this Narrator Two speckled handkerchiefs, about ⅔ths of a Pound of Tea; and that said Kidd bought a Wig of him, for which he received Four Pistoles of Gold; and Four Pistoles more he received of him, for what Mr. Emot had laid out on the Road; which is all he had at that Time; And, at the second time of his going to said Kidd, he received of the said Kidd betwixt 90 and 100 Pieces of Eight, New York Money, which, he said, was his Wife's, towards his Charges, and some Things he had bought for him: And said Kidd also gave him Three or Four Half-pieces of Muslin, and a Gold Chain for the Narrator's Wife, and Two Pieces of speckled Calico, about Four or Five Yards each; and also sent, by this Narrator, a Present to the Countess of Bellomont, an enamelled Gilt Box, with Four Sparks or Stones, therein set in Gold, One loose, and a Stone Ring; which at his Arrival in Boston, were shown to one Mr. Legarre, a French Goldsmith, who said, They were in Value about £55: And the said Kidd also gave one Hulin, of Rhode Island, Master of the Sloop that transported this Narrator two several times to and from the said Captain Kidd's Sloop, a Bale of coarse white Callicoes, for the Service of himself and Sloop; and Two or Three Pieces of Muslin, and about Half a Dozen Pounds of Sugar; and also gave to Mr. Meinzes, who went on board the said Kidd's Sloop with this Narrator, Eight or Nine Pieces of Arabian Gold, as the said Meinzes informed.

"And further the Narrator saith, That, after the said Kidd's Arrival with his Sloop at Boston, he gave the Narrator a Negro Boy, and a Cane for his Son Matthew; and gave another Negro Boy to Mr. Robert Livingston; And, going on board the said Kidd's Sloop, with his Negro, to fetch his Bedding and Cloaths on shore, the said Kidd bade the Negro carry with him a Bag of Sugar, which was broken, to be used in the House; and he did so; and also Five Holland Cheeses, about 10lb. Weight each: And one of the said Kidd's Company gave this Narrator's Son about 10lb. Weight of white Sugar Candy: And, Tuesday the 4th Current, in the Evening, the Narrator, by Order of the said Captain Kidd, went on board his Sloop again, having an Order in Writing under the said Kidd's Hand, directed to Wood the Master, for Two Bales of Goods, and Two Bags of Sugar; which this Narrator received, and brought on shore, together with another Bale, which one Aires of the Company said was alloted to the Narrator for his Pains: And, in the Morning of the same Day, the said Kidd delivered to the Narrator a green Silk Bag, sewed up, of about Four or Five Pound Weight of Bar Gold, to be presented unto the Countess of Bellomont, in his Name:

which my Lady refusing to accept of, the Narrator returned again to the said Kidd: Two of the Bales afore-mentioned, and Part of the 3d Bale, which the Narrator had opened, the said Narrator has delivered unto the Gentlemen appointed by the Government to take into their Custody, and secure the Goods; the Remainder of the said broken Bale is in the Narrator's Keeping.

"When the Narrator was on board the said Kidd's Sloop off Block Island, Captain Kidd gave him Two or Three Pieces of Arabian Gold, to drink with some Gentlemen in Boston; and Two of the Ship's Company gave him each a Pistole of Gold for himself.

"Further the Narrator knows not of any Embezzlement, Concealment, or Disposal, in any way or manner, made by the said Kidd, or his Company, or Accomplices, or any of them, of Goods, Gold, Money, Bullion, or Treasure whatsoever; only adds, That the said Kidd and Company promised the Narrator to the value of £500 if they had their liberty.

"Duncan Campbell."

"Susannah Campbell, Wife of the within named Duncan Campbell, examined upon her Oath, saith,

"That, excepting a Gold Chain, Three Pieces of Muslin, a Piece of India Silk, which her Husband delivered to her, as a Present from Captain Kidd, she knows not of the Embezzlement, Concealment, Conveying away, or Disposal of any Goods, Gold, Money, or Treasure imported into any of his Majesty's Territories, or Dominions, by Captain William Kidd, his Company and Accomplices, or any of them; nor that any such are lodged or secured in her House.

"Susannah Campbell."

H. John Gardiner.

"A Copy of the Narrative of John Gardiner of Gardner's Island, alias Isle of Wight, relating to Captain William Kidd.

"That, about Twenty Days ago, Mr. Emot of New York came to the Narrator's House, and desired a Boat to go for New York; telling the Narrator he came from My Lord at Boston: Whereupon the Narrator furnished the said Emot with a Boat; and he went for New York: And that Evening the Narrator saw a Sloop with six Guns riding at an Anchor off Gardner's Island: And Two Days afterwards, in the Evening, the Narrator went aboard the said Sloop to inquire what she was; and, so soon as he came on board, Captain Kidd, then unknown to the Narrator, asked him how Himself and Family did; telling him, That he, the said Kidd, was going to My Lord at Boston; and desired the Narrator to take Three Negroes, Two Boys and a Girl, ashore, to keep till he, the said Kidd, or his Order, should call for them; which the Narrator accordingly did: That, about Two Hours after the Narrator had

got the said Negroes ashore, Captain Kidd sent his Boat ashore with Two Bales of Goods and a Negro Boy: And the Morning after, the said Kidd desired the Narrator to come immediately on board, and bring Six Sheep with him, for his, the said Kidd's, Voyage to Boston; which the Narrator did; when Kidd asked him to spare a Barrel of Cyder; which the Narrator, with great Importunity, consented to; and sent Two of his Men for it, who brought the Cyder on board the said Sloop: But whilst the Men were gone for the Cyder, Captain Kidd offered the Narrator several Pieces of damnified Muslins and Bengals, as a Present to his wife; which the said Kidd put in a Bag, and gave the Narrator; and about a Quarter of an Hour afterwards, the said Kidd took up Two or Three Pieces of damnified Muslin, and gave the Narrator for his proper Use: And the Narrator's Men then coming on board with the said Barrel of Cyder, as aforesaid, the said Kidd gave them Four Pieces of Arabian Gold for their Trouble, and also for bringing him Wood: Then the said Kidd, ready to sail, told this Narrator he would pay for his Cyder; to which the Narrator answered, That he was already satisfied for it by the Present to his Wife. And this Narrator observed, That some of Kidd's Men gave to the Narrator's Men some inconsiderable Things of small Value, which, this Narrator believes, were Muslins for Neckcloths: And then the Narrator took Leave of the said Kidd, and went ashore; and, at parting, the said Kidd fired Four Guns, and stood for Block Island. About Three Days afterwards, the said Kidd sent the Master of the Sloop and one Clark, in his Boat, for the Narrator, who went on board with them: And the said Kidd desired this Narrator to take on shore with him, and keep for him, the said Kidd and Order, a Chest, and a Box of Gold, and a Bundle of Quilts, and Four Bales of Goods; which Box of Gold, the said Kidd told the Narrator, was intended for My Lord; and the Narrator complied with the said Kidd's Request, and took on shore the said Chest, Box of Gold, Quilts, and Bales of Goods.

"And the Narrator further saith, That Two of Kidd's Crew, who went by the Names of Cook and Parrot, delivered to him, the Narrator, Two Bags of Silver; which, they told the Narrator, weighed Thirty Pound Weight; for which he gave Receipt: And that another of Kidd's Men delivered to the Narrator a small bundle of Gold, and Gold Dust, of about a Pound Weight, to keep for him; and did also present the Narrator with a Sash, and a Pair of Worsted Stockings: And just before the Sloop sailed, Captain Kidd presented the Narrator with a Bag of Sugar; and then took Leave, and sailed for Boston.

"And the Narrator further saith, That he knew nothing of Kidd's being proclaimed a Pirate; and if he had, he durst not have acted otherwise than he has done, having no Force to oppose them; and for that he hath formerly been threatened to be killed by Privateers, if he should carry unkindly of them.

"John Gardiner.

Appendix IV.

"The within-named Narrator further saith, That whilst Captain Kidd lay with his sloop at Gardner's Island, there was a New York Sloop, whereof one Coster is Master, and his Mate is a little black Man, unknown to the Narrator by Name; who, as it was said, had been formerly Captain Kidd's Quarter-Master; and another Sloop belonging to New York, Jacob Ferrick Master; both which lay near to Kidd's Sloop Three Days together: And whilst the Narrator was on board with Captain Kidd, there was several Bales of Goods, and other Things, put out of the said Kidd's Sloop, and put on board the other Two Sloops aforesaid; And the said Two Sloops sailed up the Sound: After which Kidd sailed with his Sloop for Block Island; and being absent for the Space of Three Days, returned to Gardner's Island again, in Company of another Sloop belonging to New York, Cornelius Quick Master; on board of which was one Thomas Clark of Setanket, commonly called Whisking Clark, and one Harrison of Jamaica, Father to a Boy that was with Captain Kidd; and Captain Kidd's Wife was then on board his own Sloop: And Quick remained with his Sloop there from Noon till the Evening of the same Day, and took on board Two Chests, that came out of the said Kidd's Sloop, under the Observance of this Narrator; and, he believes several goods more; and they sailed up the Sound: Kidd remained there with his Sloop next morning, and then set sail; intending, as he said, for Boston.

"Further the Narrator saith, That the next Day after Quick sailed with his Sloop from Gardner's Island, he saw him turning out of a Bay called Oyster-pan Bay, although the Wind was all the time fair to carry him up to the Sound. The Narrator supposes he went thither to land some goods.

"John Gardiner."

I. Robert Livingston.[7]

"Robert Livingstone Esquire, being notified to appear before his Excellency and Council, this Day, and sworn to give a true Narrative and Relation of his Knowledge, or Information, of any Goods, Gold, Silver, Bullion or other Treasure, lately imported by Captain William Kidd, his Company, and Accomplices, or any of them, into this Province, or any other of his Majesty's Provinces, Colonies, or Territories, in America; and by them, or any of them, embezzled, concealed, conveyed away, or any ways disposed of; saith,

"That, hearing Captain Kidd was come into these Parts, to apply himself unto his Excellency the Earl of Bellomont, the said Narrator came directly from Albany, the nearest Way through the Woods, to meet the said Kidd here, and to wait upon his Lordship; and, at his Arrival at Boston, Captain Kidd informed him, There was on board the Sloop, then in Port, Forty Bales of Goods, and some Sugars: And also said, He had about Eighty Pound

[7] This was the man who was a party to the Articles of Agreement between Bellomont and Kidd.

Weight in Plate. The Narrator does not remember whether he said, That was on board the Sloop or not. And further saith; Kidd said, He had Forty Pound Weight in Gold; which he had hid, and secured, in some place in the Sound, betwixt this and New York, not naming any particular place; withal saying, Nobody could find it, but himself; and that all the said Goods, Gold, Plate, and Sloop was for Account of the Owners of the *Adventure Galley*, whereof this Narrator was One.

"And further saith, Kidd, upon further Discourse with the Narrator, acknowledged, That several Chests and Bundles of Goods belonging to the Men were taken out of his Sloop betwixt this Place and New York, and put into other Sloops; saying, He was forced thereto; his men would otherwaise have run the Sloop on shore: And likewise acknowledged, That he had given Mr. Duncan Campbell 100 Pieces of 8, when he was on board his Sloop at Rhode Island: And knows no further Embezzlement, or Disposal, made by the said Kidd, his Company, or Accomplices, of any Goods, Gold, Money, or Treasure whatsoever, saving that the said Kidd did yesterday acknowledge to this Narrator, That the Gold before-mentioned was hid upon Gardner's Island: He believed, there was about Forty Pound Weight of it; and that, in the same Box with it, there was about 3 or 400 Pieces of 8, and some Pieces of Plate, belonging to his Boy Barlycorn, and his negro Man, which he had gotten by washing for the Men: Also the said Kidd gave this Narrator a negro Boy; and another to Mr. Duncan Campbell.

"Robert Livingston."

J. Andries, Lyne, Pero, and Rateez.

"Andries, Hen, Lyne, John Pero, Jacob Rateez, lately come from Curacoa in the Sloop *Mary*, the said Andries Master, Inform, That they heard, That several Sloops had been on board of Captain Kidd's Ship in the River of Romano, near the Island Katharine, and fetched from thence several East India Goods, and carried them to Curasoa, and the Island St. Thomas: And that they have seen at Curasoa great Quantities of the said Goods: And that John Pero saw one Ware, the Master of Kidd's Ship, at Curasoa; and was frequently with him there: And they heard, That one William Whitley, that went one of Kidd's Mates from New York, sold Ten Bales of East India Goods for 1000 Pieces of Eight to the Merchants of Curasoa; which was, by the Calculation of the Merchant that bought them, about the Price of 4d per Yard that Money, which is 6d New York Money, Silks, Callicoes, and Muslins, one with another: And that they saw a Sloop, which they heard was to go to the said Ship the next Day after they parted from Curasoa, which was the 14th June last.

"They heard also, That the Ship has lost her Anchors at the Island Mona; and that she was much out of Repair."

Appendix IV.

K. Nicholas Evertse.

"An Account received this 17th Day of July 1699, by Captain Nicholas Evertse. That, in the Month of May last, he was at Curacao; and, after he had been there Three or Four Weeks, News arrived, That Captain Kidd with his Ship was at the Island of Savona, to the South-east of Hispaniola; from thence was brought by a Curacao Master to the Island of St. Helena, nigh Hispaniola; where the same was brought in a Salt Lagoon; where the Inhabitants of Curacao and St. Thomas traded with the same and carried off several Sloops Load: And the said Evertz has seen some of the Goods brought to Curacao: Whereupon the said Evertze did address himself to the Governor of Curacao, Bostiaen Bernage, desiring his Assistance to hinder such a wicked Trade, seeing it was unlawful to trade with Pirates: All which, by some Accidents, was hindered: And the said Everts, departing from Curacao, bound to this Port of New York, and, by reason of the Northerly Wind, not being able to reach above St. Helena, where the said Ship of Captain Kidd lay in the aforesaid Lagoon, and was almost burnt down; which was on the 29th of June last, when the said Evertze saw it on Fire; there being then two Sloops at that Place."[8]

[8] It was this report which caused Bellomont to abandon the project of fitting out a ship to find the *Quedagh Merchant*.

APPENDIX V.

Kidd's Dying Speech on the Scaffold.

Kidd died in the "Age of Pamphlets." It was therefore to be expected that his execution would be followed by the customary publication of "authentic" descriptions of his last hours. The public were not disappointed, for a number of these pamphlets was soon in circulation. The one reproduced here is interesting as an illustration of the methods of sensational journalism of the day, but, of course, the accuracy of its contents is doubtful.

> "A True Account of the Behaviour, Confession, and Last Dying Speeches of Captain William Kidd, and the rest of the Pirates, that were Executed at Execution Dock in Wapping on Friday the 23rd of May 1701.

"On Friday May the 23rd 1701 these Persons following were conveyed from Newgate to Execution Dock in Wapping by the Officers of the Admiralty and others, carrying the Silver Oar before them, according to the usual Custom on such Occasions. Their several Speeches and Confessions are as followeth.

"Captain William Kidd, born in Scotland and Condemn'd by a High Court of Admiralty for the Murther of William Moore his gunner, on the 30th of October 1697, as also for several Piracies and Robberies on the High Seas, near the East Indies, &c. His Behaviour in Newgate after Condemnation was not so serious and devout as became a Person under his Circumstances; but whether it proceeded from a Heroick Temper, in not seeming to be any way terrified or afraid at the approaches of Death, (tho' in a violent manner), he being naturally of an undaunted Mind and Resolution, or from a conceited Hope of obtaining a Pardon, or at least a Reprieve, there being great endeavours (tho' in vain) used for that purpose, is yet unknown: However, being come to the place of Execution, he by the Christian endeavours of the Ordinary of Newgate, and other pious Persons who then assisted, was by degrees brought to a more nearer Sense of his Condition, and often desired them to pray for him, expressing his Hearty Sorrow for being so remiss and negligent in providing for his future and eternal Welfare; acknowledging that he had been a great Sinner in many particulars through the whole course of his Life, besides that of Piracy and Robbery, which he was justly going to suffer for; and that he had more highly offended both God and Man in that respect than many others, who suffered for those Crimes, by exceeding the Limits of his Commission, which if he had honestly kept to, would have

brought him more Wealth than he got by indirect Practises, besides the Honour and Reputation that would consequently have attended him therein: Notwithstanding which he could hardly be brought to a Charitable Reconciliation with those Persons, who were Evidences against him at his Tryal, alleging that they deposed many things that were inconsistent with Truth, and that much of their Evidence was hearsay; and in the general part of his Discourse seem'd not only to reflect on them, but several others, who instead of being his Friends (as they promised) had traitorously been Instrumental in his Ruin.

"And further declared that as to the Death of William Moore his gunner the Blow that he gave him it was in a Passion, as being provoked by him so to do, but not with an Intention of any manifest Injury, much less to kill, or murther him, nay, he was so far from having any Malice against him that when he was taken by the Indians, he freely gave 200.l. for his Ransom, and further said that all his Sailors knew he always had a great Love and Respect for him; adding, if any one concern'd in his Tryal had acted contrary to the Dictates of his, or their, own Conscience, or moral Honesty, he heartily forgave them, and desired that God would do the like. He expressed abundance of Sorrow for leaving his Wife and Children, without having the Opportunity of taking his Leave of them, they being Inhabitants in New York, so that the thoughts of his Wife's Sorrow at the sad Tidings of his shameful Death was more occasion of grief to his Soul than that of his own fatal Misfortunes. He desired all Sea Men in general, more especially Captains in particular, to take warning by his dismal Unhappiness, and shameful Death, and that they would avoid the means and occasions that brought him thereto, and also that they would act with more caution and prudence, both in their private and publick Affaires, by Sea and Land, adding that this was a very fickle and faithless Generation. After he had ended his Discourse to the People, he spent the rest of his time in Prayer and other Pious and Godly Exercises, with the Ordinary of Newgate, and other Ministers, and at last seemed very Devout and Penitent, expressing his hearty Sorrow for his manifest Transgressions, especially for the unhappy and sudden Death of William Moore his gunner; but would not call it Murther to the very last, esteeming it rather an accidental Misfortune than a Murther, by reason there was but one Blow given, and that in Passion, without any premeditated Malice, &c. He desired the People to pray for him, and to take Warning by him, in order to avoid these Inconveniences that might occasion the like Disaster. He prayed silently to himself and cheerfully seem'd to join in Devotion with the other Pirates; so that from hence we have good grounds to hope that he died a sincere Penitent, recommending his Soul into the Hands of a gracious and merciful Redeemer."

APPENDIX VI.

Execution Dock.

Execution Dock at Wapping had long been the recognised place for the execution of pirates. Despite its name, there was no dock at this spot, but merely a permanent gallows on the foreshore.

Pirates were executed at East Wapping as early as the reign of Henry VI. In Sir Harris Nicolas's "A Chronicle of London" it is recorded that in that reign two watermen were hanged beyond Saint Katherine's for murdering three Flemings and a child on board a Flemish vessel, "and there they hengen till the water had washed them by ebbying and flowyd, so the water bett upon them."

In those days Wapping was a vast waste of mud flooded at intervals by the Thames. During the reign of Queen Elizabeth the area was reclaimed and built upon, but still remained an insalubrious spot. John Stow describes it as "The usual place for hanging of pyrates and sea-rovers at the low-water mark, and there to remain till three tides had overflowed them; was never a house standing within these forty years, but since the gallowes being after removed farther off, a continual street, or filthy straite passage, with alleyes of small tenements, or cottages, built, inhabited by sailors, victuallers, along by the river of Thames, almost to Radcliffe, a good mile from the Tower."

After execution the pirates were usually chained to a post on the foreshore, and left there until the tide had ebbed and flowed over their bodies three times.

In 1618 Sir George Sandys was executed there for highway robbery.

Howell's "Londonopolis," published in 1657, tells us that at that period "From the Liberties of St Katherine to Wapping, 'tis yet in the Memory of Man, there never was a House standing, but the Gallowes, which was further removed in regard of the Buildings. But now there is a continued Street, towards a Mile long, from the Tower, all along the River almost as far as Radcliffe, which proceedeth from the increase of Navigation, Mariners, and Trafique."

The last pirate to suffer at Execution Dock was Williams in 1735. Possibly the cessation of hangings at Wapping was due to the fact that medicinal qualities had been discovered in the water there, and the neighbourhood was fast becoming famous as a spa.

APPENDIX VII.

William Kidd or John Kidd?

It is somewhat extraordinary that some of the contemporary reports of the trial of Captain Kidd give him the Christian name of "John." There is not the slightest doubt that his name was in fact "William," for not only do all the official documents so designate him, but there is also the evidence of his own signature to certain documents, in particular to the letters written by him to Lord Bellomont.

"The Newgate Calendar," in particular, describes him as Captain John Kidd. That publication was, of course, compiled by those two smug attorneys, Knapp and Baldwin, who were so concerned with weaving moral platitudes and sanctimonious sermons into their accounts of famous criminals that they paid little heed to the accuracy of their facts. There was indeed a Captain John Kidd who was executed, but his crime was treason, not piracy, and he had suffered the extreme penalty fifteen years before Captain William Kidd with whom this volume is concerned.

Captain John Kidd was one of those who had rallied to the support of the ill-fated Monmouth in 1685. He was sentenced to death by Judge Jeffreys at Dorchester Assizes on 10th September, 1685, and was "turned off" at Lyme Regis two days later.

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